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# SUPREME COURT OF THE UNITED STATES.

## No. 144.

EDWARD M. WEST, PLAINTIFF IN ERROR,

vs.

JOSEPH COCHRAN.

IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF MISSOURI.

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UNITED STATES OF AMERICA ss:

The President of the United States to the Honorable the Judges of the Circuit Court of the United States, for the District of Missouri, greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said Circuit Court of the United States, before you at the April term, 1853, between Edward M. West, plaintiff, and Joseph Cochran, defendant, a manifest error hath happened to the great damage of the said Edward M. West, as by his complaint appears. We being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you if judgment be therein given, that then under your seal distinctly and openly you send the record and proceedings aforesaid, with all things concerning the same to the Supreme Court of the United States, together with this writ, so that you have the same at Washington on the first Monday of December next, in the said Supreme Court, to be then and there held; that the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error, what of right and according to the laws and customs of the United States should be done.

Witness the Honorable Roger B. Taney, Chief Justice of the Supreme Court, this 9th day of May, in the year of our Lord one thousand eight hundred and fifty-three. Issued at office in the city of St. Louis, under the seal of the Circuit Court of the United States, for the Missouri District, the date last above written.

BEN. F. HICKMAN, *Clerk.*

Allowed by me,

R. W. WELLS,
*Dist. Judge U. S. for Mo.*

In obedience to the within writ I hereunto send a complete transcript of the record and proceedings had in the suit of Edward M. West against Joseph Cochran, as the same remains open in my office. Given under my hand this 13th day of October, 1853.

BEN. F. HICKMAN,
*Clerk Ct. Ct. U. S. Mo. Dist.*

The United States of America, to Joseph Cochran, greeting: You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be held at Washington on the first Monday of December next, pursuant to a writ of error filed in the clerk's office of the Circuit Court of the United States, for the District of Missouri, in the Eighth Circuit, wherein Edward M. West is plain-

tiff in error, and you are defendant in error, to show cause, if any there be, why the judgment rendered against the said plaintiff in error, as in the said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the Hon. Robert W. Wells, District Judge of the United States for the District of Missouri, and one of the judges of the Circuit Court for said district this 9th day of May, 1853.

R. W. WELLS.

I hereby certify that I executed the above citation on this 18th day of October, 1853, by reading the same to, and within the hearing of the said Joseph Cochran, and also by leaving with him a copy of the same. Done in St. Louis County, Missouri, this 18th October, 1853.

THOMAS S. BRYANT, *Marshal.*

United States, Mo. District.

By ROBERT K. MOORE, *Dept.*

THE UNITED STATES OF AMERICA,

*Eighth Circuit, Missouri District, Sct:*

Pleas before the Honorable John Catron and Robert W. Wells, Judges of the Circuit Court of the United States of America in and for the Missouri District, on the day of April, A. D. 1853.

EDWARD M. WEST, plaintiff,
vs.
JOSEPH COCHRAN, defendant. } In Ejectment.

Be it remembered that heretofore, to wit: on the twenty-second day of January, in the year of our Lord one thousand eight hundred and fifty-two, the following declaration in ejectment was filed in the office of the Clerk of the Circuit of Missouri, viz:

EDWARD M. WEST
vs.
JOSEPH COCHRAN.

In the Circuit Court of the United States for the District of Missouri, of the term of April, in the year 1852.

(*Declaration.*)

DISTRICT OF MISSOURI, ss.

Edward M. West, the plaintiff in the above entitled cause, who is a citizen of the State of Illinois, complains of Joseph Cochran, the defendant in said cause, who is a citizen of the State of Missouri, of a plea of trespass in ejectment for that whereas heretofore, to wit, on the tenth day of January, in the year eighteen hundred and fifty-two, the plaintiff was entitled to the possession of a certain tract or

parcel of land situated in the city and county of St. Louis, in said district, and which tract or parcel of land is described as follows: Lot number one hundred and three (103), in block number three hundred and twenty-one, as the said lot is laid down and numbered on the map of the said city, and is bounded on the east by Second street, beginning at the southwest corner of Chambers and Second street; thence along the west side of Second street, eighty feet, more or less, from Chambers street; thence westwardly on a line parallel with Chambers street, one hundred and fifty feet to an alley; thence northwardly eighty feet to Chambers street; thence eastwardly along the south side of Chambers street one hundred and fifty feet, the place of beginning. And being so entitled to the possession of said lot of land as aforesaid, the defendant, on the eleventh day of January, A. D. 1852, with force and arms, entered into and upon the said lot and premises, and unlawfully withholds the possession of said lot and premises from the plaintiff, to his damages of two thousand dollars, and therefore he sues. And the plaintiff avers that the said lot and premises are worth the sum of two thousand dollars.

TODD & KRUM, HAIGHT,
*Attorneys for Plaintiff.*

GEYER & DAYTON.

Whereupon the following summons issues, to wit:—

MISSOURI DISTRICT, SCT:

The President of the United States to the Marshal of the Missouri District greeting: [SEAL]

(*Summons.*)

You are hereby commanded to summon Joseph Cochran, a citizen of the State of Missouri, that he be and appear before the Honorable Circuit Court of the United States for the District of Missouri, at the next term thereof, to be held in the city of St. Louis, in and for the said District, on the first Monday of April next, then and there to answer unto Edward M. West, a citizen of the State of Illinois, in a plea of trespass in ejectment, to the damage of said plaintiff, two thousand dollars. Hereof fail not, and have you then and there this writ. Witness the Honorable Roger B. Taney, Chief Justice of the Supreme Court of the United States, the 22d day of January, A. D. 1852.

Issued at office in the city of St. Louis, under the seal of said Court, the day and year last aforesaid.

BEN. F. HICKMAN, *Clerk.*

Upon which summons the marshal made the following return, to wit:—

(*Marshal's Return.*)

Executed on Jos. Cochran, the defendant, at St. Louis, by reading to him, January 27th, 1852.

JNO. W. TWICHELL,
*Marshal.*

By JONES, *Deputy.*

Afterwards, on Tuesday, April 6th, 1852, the following proceedings were had in this case, to wit:—

Edward M. West against Joseph Cochran, Ejectment.

The defendant, by attorney, comes and files plea of not guilty in this case, which plea is as follows, to wit:—

EDWARD M. WEST
vs.
JOSEPH COCHRAN.

In the United States Circuit Court for Missouri District, State of Missouri:

(*Pleas of Not Guilty.*)

And now comes the said defendant and defends the force and injury when, etc., and says that he is not guilty of unlawfully withholding the premises from the plaintiff, as is alleged against him, and of this he puts himself upon the country.

SPALDING & SHEPLEY, B. A. HILL,
*Att'ys for Def't.*

Afterwards, on Tuesday, April 8th, 1852, the following order was made in this case, viz:—

EDWARD M. WEST, Pl'ff,
vs.
JOSEPH COCHRAN, Def't.
} In Ejectment.

(*Order of Survey.*)

On motion of the plaintiff, by his attorney, It is ordered that a survey be made of the land in dispute in this case, and that the surveyor of St. Louis County be appointed to make said survey, and that he, at such time as he may appoint, proceed to survey and lay off the same as either party may require, having due regard for all deeds and other evidences of title that may be produced; reporting all matters of fact specially, and that he give notice to the parties, or their attorneys, of the time of making said survey, and that he make out and return to the Clerk's office of this Court, three fair plats and reports of such survey on or before the first day of the next term of this Court.

Afterwards, on Wednesday, April 6th, 1853, the following order was made in this case, viz. :—

EDWARD M. WEST, Pl'ff,
vs.
JOSEPH COCHRAN, Def't. } In Ejectment.

(*Order for Subpœna, duces tecum.*)

This day comes defendant, by his attorney, and on his motion it is ordered that a subpœna *duces tecum* issue herein and returnable forthwith, directed to Adolphe Renard, and requiring him to produce and bring into Court the patent of the United States to Joseph Brazeau's legal representatives for the reservation of Joseph Brazeau for 16 arpens of land, said patent being issued upon survey No. 3332.

Afterwards, on Monday, April 18th, 1853, the following order was made in this case, viz :—

EDWARD M. WEST, Plaintiff
vs.
JOSEPH COCHRAN, Defendant. } Ejectment.

(*Jury Sworn.*)

This day come the parties by their attorneys, and thereupon comes a jury, viz.: Alfred Basye, N. W. Litton, M. V. Harrison, P. J. McSherry, Alfred J. Basye, George B. Brua, William Risley, James B. McHenry, H. F. Lathrop, Samuel J. Finch, Albert B. Cohen, and Nehemiah Wyman, who were elected, tried, and sworn, well and truly to try the issue joined, and the evidence not being concluded at the hour of adjournment, further proceedings are continued until to-morrow.

*Tuesday*, April 19th, 1853.

EDWARD M. WEST, Plaintiff,
vs.
JOSEPH COCHRAN, Defendant. } Ejectment.

This day come the parties by their attorneys, and the jury sworn herein all appeared in court, and the examination of witnesses was continued, but not being concluded at the hour of adjournment further proceedings are continued until to-morrow.

*Wednesday*, April 20th, 1853.

EDWARD M. WEST, Plaintiff,
vs.
JOSEPH COCHRAN, Defendant. } Ejectment.

This day come the parties again by their attorneys and the jury sworn herein all appeared, and the plaintiff having closed his case,

additional progress was made in the disposition of the same, but not being concluded at the hour of adjournment, further proceedings are continued until to-morrow morning.

*Thursday*, April 21st, 1853.

EDWARD M. WEST, Plaintiff,
vs.
JOSEPH COCHRAN, Defendant. } Ejectment.

This day come again the parties by their attorneys, and the jury sworn herein all appeared in court, when the evidence in behalf of the defendant was commenced, but not being concluded at the hour of adjournment, further proceedings are continued until to-morrow morning.

*Friday*, April 22d, 1853.

EDWARD M. WEST, Plaintiff,
vs.
JOSEPH COCHRAN, Defendant. } Ejectment.

This day come again the parties by their attorneys, and the jury sworn herein all appeared in court, and the examination of witnesses was continued, but not being completed at the hour of adjournment, further proceedings are continued until to-morrow.

*Saturday*, April 23d, 1853.

EDWARD M. WEST, Plaintiff,
vs.
JOSEPH COCHRAN, Defendant. } Ejectment.

This day come again the parties by their attorneys, and the jury sworn herein all appeared in court, and the evidence both sides having closed, further proceedings are continued until Monday next for the arguments of counsel.

*Monday*, April 25th, 1853.

EDWARD M. WEST, Plaintiff,
vs.
JOSEPH COCHRAN, Defendant. } Ejectment.

This day come again the parties by their attorneys, and the jury sworn herein all appeared in court, and the court not being prepared to go on with the case the jury are discharged for the day, and further proceedings continued over until to-morrow morning.

*Tuesday*, April 26, 1853.

EDWARD M. WEST, Plaintiff,
vs.
JOSEPH COCHRAN, Defendant. } Ejectment.

This day come again the parties by their attorneys, and the jury

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sworn herein all appeared in court, and the arguments of counsel before the jury commenced, but not being concluded at the hour of adjournment, further proceedings are continued until to-morrow morning.

*Wednesday*, April 27, 1853.

EDWARD M. WEST, Plaintiff,
vs.
JOSEPH COCHRAN, Defendant. } Ejectment.

This day come again the parties by their attorneys, and the jury sworn herein all appeared in court, and the arguments of counsel having closed, the jury retired to their room to consider of their verdict.

*Thursday*, April 28, 1853.

EDWARD M. WEST, Plaintiff,
vs.
JOSEPH COCHRAN, Defendant. } Ejectment.

This day come again the parties by their attorneys, and the jury sworn herein appeared in court, and not having agreed on their verdict in this case, again retired to their room to consider thereof.

*Friday*, April 29, 1853.

EDWARD M. WEST, Plaintiff,
vs.
JOSEPH COCHRAN, Defendant. } Ejectment.

The jury sworn in this case all appeared in court, and not having agreed in their verdict again retired to their room to consider thereof.

Afterwards, on Saturday, the 30th day of April, 1853, the following judgment was rendered in this case, to wit:—

EDWARD M. WEST, Plaintiff,
vs.
JOSEPH COCHRAN, Defendant. } Ejectment.

(*Verdict of Jury and Judgment.*)

This day come again the parties by their attorneys, and the jury sworn herein returned into court the following verdict, viz.: "We, the jury, in conformity with the instructions of the court, find for the defendant." It is, therefore, now considered by the court, that the plaintiff, Edward M. West, take nothing by his writ in this case, and that the defendant, Joseph Cochran, go hence without day, and recover against the said plaintiff, Edward M. West, the cost expended in this suit, and that execution issue therefor.

On Monday, May 2, 1853, the following proceedings were had in this case.

EDWARD M. WEST, Plaintiff,
vs.
JOSEPH COCHRAN, Defendant. } Ejectment.

This day comes again the plaintiff by his attorney, and files his motion to set aside the verdict rendered by the jury, and to grant him a new trial in this case, upon the grounds and for the reasons set forth in said motion.

Which motion is as follows, to wit:—

(*Motion for new trial and to set aside verdict of jury.*)

EDWARD M. WEST
vs.
JOSEPH COCHRAN.

The plaintiff comes and moves the court to set aside the verdict in the above entitled cause and for new trial, for the reasons following:—

1st. Because the court excluded legal and competent testimony offered on the part of the plaintiff.

2d. Because the court admitted testimony to the jury which was objected to by the plaintiff, and which was illegal and incompetent.

3d. Because the court misdirected the jury by its instructions and charge.

4th. Because the court gave to the jury illegal and incompetent instructions asked by defendant.

5th. Because the court refused to give to the jury legal and competent instructions as to the law of the case, and as requested on the part of the plaintiff.

6th. Because the court misdirected the jury and improperly influenced the judgment and opinion of the jurors, by withdrawing from them and changing and overruling instructions previously given to the jury by the court.

7th. Because the court, by its instructions, which were given to the jury after they had been considering of their verdict for two days and upwards, took the whole case from the jury so far as the facts were concerned.

TODD & KRUM & GANTT,
*Attorneys for Plaintiff.*

Afterwards, on Monday, May 9th, 1853, the following order was made in this case, to wit:—

(*Order overruling motion for new trial.*)

EDWARD M. WEST, Plaintiff,
vs.
JOSEPH COCHRAN, Defendant. } Ejectment.

This day comes again the plaintiff by his attorney, and the court

being now sufficiently advised of and concerning the motion made herein to set aside the verdict and grant a new trial: Do order that said motion be and the same is hereby overruled; and on motion of said plaintiff, it is ordered that the execution allowed to be issued in this case by defendant against plaintiff for his costs, be suspended, a writ of error having been allowed by the judge of this court, and bond executed according to law.

On Tuesday, May 10th, 1853, the following order was made in this case, to wit:—

EDWARD M. WEST, Plaintiff,
vs.
JOSEPH COCHRAN, Defendant. } Ejectment.

(*Agreement of attorneys as to filing bill of exceptions.*)

This day come the parties by their attorneys and file an agreement, that the bill of exceptions in this case may be signed in vacation, and have the same effect as if signed in term-time; which agreement is as follows, to wit:—

EDWARD M. WEST
vs.
JOSEPH COCHRAN.

It is stipulated and agreed in this case, that the bill of exceptions may be signed in vacation, and have the same effect as if signed in term-time.

TODD & KRUM & GANTT,
*For Plaintiff.*

B. A. HILL,
*For Defendant.*

The bill of exceptions was filed on the 3d day of June, 1853, and is as follows, to wit:—

*Bill of Exceptions.*

EDWARD M. WEST
vs.
JOSEPH COCHRAN.

In the Circuit Court of the United States for the District of Missouri, April term, 1853.

Be it remembered, that on the trial of this cause, the plaintiff gave in evidence:—

1. Petition, and concession, and order of survey, to Joseph Brazeau. Petition, dated June 20, 1794; concession, dated June 25, 1794, as follows, to wit:—

*Petition, and concession, and order of survey, to Joseph Brazeau.*

To Mr. Zenon Trudeau, captain of the stationary regiment of Louisiana, lieutenant-governor and commander-in-chief of the western part of Illinois. Joseph Brazeau, a citizen of this post of St. Louis, hereby supplicates and has the honor to represent, that he wishes to obtain in the northern part of this town a tract of land situated beyond the foot of the mound called the *Grange de terre*, of four arpens in width, which are to extend from the steep bank or beach (ecore) of the Mississippi, in the W. ¼ S. W. by about 20 arpens in depth, that shall begin at the foot of the hill where stands the said Grange de terre, ascending in a N. N. W. course to the vicinity of Stony Creek, so that the said tract hereby asked for, be bounded on the east by the bank of the Mississippi, and on the other side, in part by the King's domain, and in part by land re-united to said domain, on which lands now lies the present concession, in order that the petitioner may cut hay on it for his cattle, and sow it with grain, and the petitioner shall never cease to be thankful for your goodness. St. Louis, 1st June, 1794.

JOSEPH BRAZEAU.

We, lieutenant-governor and commander-in-chief of the western part of Illinois, after having ascertained that the land asked for belongs to the domain of his Majesty, on account of the abandonment which the ancient owners have made of it, and the other part not having ever been conceded, and that the whole is not prejudicial to anybody, do therefore certify to have put Joseph Brazeau in possession of the parcel of land designated in his petition, of four arpens front by twenty arpens deep, which shall extend in a N. N. W. course from the foot of the hill, where stands the Grange de Terre, ascending to the vicinity of the Ruisseau de Pierre (Stony Creek) bounded on one side by the bank of the Mississippi, and the opposite side by lands not conceded or re-united to his Majesty's domain, and at the two ends bounded on the N. N. W. by the vicinity of Rocky Creek, and the other in the S. S. E. shall be bounded by the land granted to the free mulatress Esther; in order to certify the same, we have delivered these presents to serve. In the town of St. Louis, of Illinois, this 10th of June, in the year 1794.

ZENON TRUDEAU.

I, Don Zenon Trudeau, captain in the stationary regiment of Louisiana, lieutenant-governor and commander-in-chief of the western division of Illinois, in consequence of the demand made by Joseph Brazeau, residing in this town of St. Louis, in his petition dated the first of this month, and after I had put him in possession, according to the decree I have drawn hereabove, on the 10th of the same month, have conceded, and I do concede to the said Joseph Brazeau, in fee simple, for him, his heirs, assigns, or whoever may represent his

rights, the tract of land hereabove designated, of 4 arpens front by 20 arpens deep, situate north of this town; which 20 arpens shall begin beyond the mound called *La Grange de Terre*, extending N. N. W. to the vicinity of Rocky Branch, bounded on one side by the banks of the Mississippi River, and the opposite side by land re-united to the King's domain, through which lands passes this present concession, of which one end is to be bounded by the concession of the free mulatress named Esther, in order that the said Brazeau may cut on it the hay wanted for his cattle, or sow it with grain, said concession remaining liable to all the charges, laws, or impositions, which it shall please his majesty to impose in future.

Given in the town of St. Louis, this 25th June, in the year 1794.
(Signed) ZENON TRUDEAU.

2. Deed from Joseph Brazeau to Louis La Beaume, dated May 9, 1798, as follows:—

(*Deed from Joseph Brazeau to Louis La Beaume.*)

In the year 1798, on the 9th day of the month of May, before me, Dn. Zenon Trudeau, Lieutenant-Governor, Commander-in-chief, civil and military, of Upper Louisiana, appeared Joseph Brazeau, an inhabitant of this city, who, by these presents, acknowledges to have sold, ceded, quit-claimed, transported to M. Louis La Beaume, also an inhabitant of this city, a concession of land to him granted the 21st of the month of June, 1794, such as the said concession is set forth, and without any guarantee whatever, as Mr. Jh. Brazeau will not be responsible in any way of the said land, though he has fulfilled the obligations imposed by the laws of this government to acquire the right of possession and property, ceding and abandoning to Mr. Louis La Beaume, the purchaser, for him, his heirs or representatives, all his rights, actions, possessions and property, for the price and sum of forty dollars; that Mr. La Beaume has paid him ready money, and for which sum the said Jh. Brazeau gives him full acquittance, Mr. La Beaume remaining satisfied with the said concession, consisting of four arpens of land to be taken from the foot of the hill or mound, commonly called the "Grange de terre," by twenty arpens in depth, bounded by the Rocky Branch, at the extremity opposite the said mound, bounded east by the Mississippi, and west by lands belonging to the dominion of His Majesty; Mr. Brazeau reserving for himself four arpens of land, to be taken at the foot of the mound, in the south part of the said land, for him, the said Brazeau, to dispose as he shall seem fit to sell, cede or alien, for him, his heirs or representatives, selling for this purpose only sixteen arpens in depth to the said Mr. La Beaume, who accepts the said sale with the terms and conditions above mentioned. Renouncing and accepting, the parties have signed in presence of us, Dn.

Zenon Trudeau, Lieutenant-Governor, and of Mrs. Antoine Dubreuil and Gregoire Sarpy, assisting witnesses.

Made and executed at St. Louis of Illinois, the day and year aforesaid.

BRAZEAU,
LS. LA BEAUME.

GRE. SARPY,
ANT. DUBREUIL,
ZENON TRUDEAU,

Recorded April 23d, 1847.

S. D. BARLOW, *Recorder.*

STATE OF MISSOURI,
*County of St. Louis, ss:*

I, the undersigned, recorder in and for the said county, certify the foregoing to be a true copy of an instrument of writing, and of the date of recording thereof, as fully as the same remains of record in my office, in archives, vol. 3, page 29.

Witness my hand and official seal, this 29th of November, 1852.

[SEAL.] S. D. BARLOW, *Recorder.*

*Deed from Brazeau to Chouteau, in French.*

3. Deed from Joseph Brazeau to Pierre Chouteau, dated July 26th, 1816, as follows: (Note by Clerk: I here copy the deed in French, and both copies of translation on file, which the attorneys for plaintiff and defendant insist shall go in the record.)

Vue que moi Joseph Brazeau, par acte de Venté passé par devant Dr. Zenon Trudeau, Lieutenant Gouverneur et Commandant en chef de la Haute Louisiane en datte du neuf May mil sept cent quartre vingt dix huit dont l'original est deposé dans l'archive de ce comte Registre Numero deux folios cinquante et un et cinquante deux di vendu cedé et transporte a Louis La Beaume une concession de terre à moi accordé le vingt et un Juin mil sept cent quatre vingt quatorze laquelle concession consiste en quatre arpens de terre a prendre depuis le pied du coteau ou monticule vulgairment appelle la grange de terre, sur vingt arpens de profondeur borné par le ruisseau de pierre a l'extremité opposé à la dite monticule, tenant à l'est au Mississippi et à l'ouest aux terres appartenantes au domaine du Roy me reservant quatre arpens de terre a prendre au pied de la dite monticule dans la partie sud de la terre sur dite, ne vendant à cet effet que seize arpens de profondeur au dit Louis La Beaume qui à accepté la dite vente aux termes at conditions y mentionnées, tel qu'il parvoit par la susdite vente et vue que moi susdit Brazeau avoit fait cette réserve parceque javois promis verbalement cette quantité de terre a Pierre Chouteau avant de passer le dit acte de vente au dit Louis La Beaume le quel dit Pierre Chouteau m'a paye dans le term le prix

convenu entre nous pour le morceau de terre que j'ai reservé comme est cy-dessus dit et. Voulant et désirant en ce jour remplir la promesse qui j'ai fait au dit Pierre Chouteau et lui donner titre de lasus dite terre par moi reservé dans la ventre passée entre le dit Louis La Beaume et moi cy dessus mentionné. En consequence sachent tous ceux qui cespresentes verront que moi sus dit Joseph Brazeau et Therese mon epouse du comté de St. Louis Territoire, Missouri, pour les considerations cy haut mentionnées et aussi pour et en considerations de la somme d'une piastre, argent l'egal des Etats Unis qui nous a été bien et duement payée par le dit Pierre Chouteau du dit lieu ainsi que nous le reconnoissons par cesprésentes et de laquelle somme nous le tenons quitte et dechargeons, lui ses hoirs ou ayant causes avons ce jour d'hui, vendu cédé quitte delaissé, abandonné et transporté comme de faite et par cespresentes nous vendons, cedons, quittons, delaissons, abandonnons et transportons au dit Pierre Chouteau, ses hoirs ou ayant causes tous les droits titres et pretentions, possessions, propriétes noms, raisons et actions que nous avons et pouvons avoir aux quatre arpens de terre de profondeur dans la partie sud de la susdite concession au pied de *au pied de la susdite* monticule, borne a hert par la riviere Mississippi et a l'ouest par les terres vacantes ou terres de proprietaires inconnus tel que mois susdit Joseph Brazeau me suis reservé par la dite vente faite et passée entre le dit La Beaume et moi cy dessus mentionnées etant le reste du ballance de la dite concession de terre que nous garantissons au dit Pierre Chouteau ses hoirs ou ayant causes, seulement contre nous nos hoirs ou ayant causes (mais non envers d'autres pour par le dit Pierre Chouteau ses hoirs ou ayant causes) jouir faire et disposer du dit reste ou ballance de la susdite concession de terre comme de choix a eux propre et appartenants de plein droit avec tous les droits, titres et privileges qui y appartiennent et peuvent appartenir des maintenant et a toujours. En foi, de quoi nous avons signés scelles, et de'livres ces présentes ce vingt six Juillet mil huit cent seize.

[SEAL.] JOSEPH BRAZEAU.
[L. S.] THERESE BRAZEAU.

Signé, seellé et delivré en présence de Zoe Le Duc, M. P. Le Luc.

MISSOURI TERRITORY,
*County of St. Louis, ss.*

Be it remembered, that on the day and date of the within instrument in writing, before me, Mary Philip Le Duc, Clerk of the Circuit Court within and for the County of St. Louis, Missouri Territory, personally came and appeared the within named Joseph Brazeau, and Therese his wife, who acknowledged the within instrument of writing to be their and each of their act and deeds, hands and seals,

for the purposes therein contained. The said Therese, the wife of said Joseph, being first separately and apart examined from her said husband, and by me made acquainted with the contents of the same, declares, that she executed it freely, and voluntarily of her own free will and accord, without fear, restraint, constraint, or undue influence of her said husband. In witness whereof I have hereunto set my hand and seal of office at my office in St Louis, day and date aforesaid.

[SEAL.] M. P. LE DUC, *Clerk.*

Recorded this twenty-sixth day of July, 1816.

[SEAL] M. P. LE DUC, *Cl'k.*

STATE OF MISSOURI,
*County of St. Louis, ss.*

I, the undersigned Recorder in and for said County, certify the foregoing to be a true copy of an instrument of writing, the certificate of acknowledgment, and of the date of recording thereof as the same remains on record in my office, in Book F, page 38.

Witness my hand and official seal at St. Louis, this 29th of November, 1852.

S. D. BARLOW,
*Recorder.*

(*Translation No.* 1 *of Deed from Brazeau to Chouteau.*)

Whereas I, Joseph Brazeau, by deed of sale executed before D. Zenon Trudeau, Lieutenant-Governor and Commander-in-Chief of Upper Louisiana, dated the ninth May, one thousand seven hundred and ninety-eight, the original of which is deposited in the archives of this County Register, No. 2, pages fifty-one and fifty-two, have sold, ceded, and transported to Louis La Beaume, a concession of land, to me granted the 21st of June, 1794, which concession consists of four arpens of land to be taken from the foot of the hill or mound, commonly called the Grange de Terre, by twenty arpens in depth, bounded by the Rocky Branch at the extremity, opposite the said mound, running east to the Mississippi, and west to lands belonging to the dominions of the King, reserving for myself four arpens of land, to be taken at the foot of the said mound, in the south part of the aforesaid land, selling only for this purpose sixteen arpens in depth, to the said Louis La Beaume, who has accepted the said sale with the terms and conditions therein mentioned, as it appears by the aforesaid sale, and whereas I, the aforesaid Brazeau, had made this reserve, because I had verbally promised this quantity of land to Pierre Chouteau before I executed the said deed of sale to the said Louis La Beaume, which said Pierre Chouteau has paid in the time the price agreed upon between us for this parcel of land that I have reserved as aforesaid, and willing and desiring at

1796.

this day to fulfil the promise that I have made to said Pierre Chouteau, and give him a title of the aforesaid land, by me reserved in the sale, executed between the said Louis La Beaume and me above mentioned.

Now, therefore, know all those who will see these presents, that I, the aforesaid Brazeau, and Therese my wife, of the county of St. Louis, Territory of Missouri, for the considerations above-mentioned, and also for and in consideration of the sum of one dollar, lawful money of the United States, well and duly paid to us by the said Pierre Chouteau of the said place, as we acknowledge it by these presents, and of which sum we discharge him, his heirs or representatives, have this day sold, ceded, quit-claimed, delivered, abandoned and transported as in fact and by these presents we sell, cede, quit-claim, deliver, abandon and transport to said Pierre Chouteau, his heirs or representatives, all the rights, titles and pretensions, possessions, properties, names, reasons and actions that we have, or may have to the four arpens of land in depth in the south part of the aforesaid concession at the foot of the aforesaid mound, bounded east by the River Mississippi, and west by the vacant land or lands of proprietors unknown, such as I, the aforesaid Joseph Brazeau, have reserved for myself by the said sale made and executed between the said La Beaume and me above mentioned, being the remainder of the said concession of "land that we warrant to said Pierre Chouteau, his heirs or representatives, only against ourselves, our heirs or representatives, but against no other; for him the said Pierre Chouteau, his heirs or representatives, to enjoy, make or dispose of the said remainder or balance of the aforesaid concession of land as his own property, belonging to him in full right, with all the rights, titles, and privileges appertaining thereto, and may appertain forever." In witness whereof, we have signed, sealed and delivered these presents, this 27th of July, 1816.

JH. BRAZEAU, [SEAL.]
THERESE BRAZEAU. [L. S.]

Signed, sealed, and delivered in presence of Zoc Le Duc and M. P. Le Duc.

(*Translation No.* 2 *of same Deed.*)

Whereas Joseph Brazeau, by deed passed before Zenon Trudeau, Lieutenant-Governor, &c., under date of the ninth day of May, A. D. 1798, the original of which is deposited in the archives of this county, Register No. 2, folio 51 and 52, sold, ceded and transferred to Louis La Beaume a concession of land granted to me the 21st of June, A. D. 1794, which concession consists of four arpens of land to be taken from the foot of the mound commonly called "La Grange de Terre," by 20 arpens in depth, bounded by the Rocky Branch on the extremity opposite the said mound, bounded on the east by the Mississippi, and on the west by land belonging to the domain of the

King, reserving to myself four arpens of land to be taken at the foot of the said mound, in the southern part of the aforesaid tract, selling for that purpose only a depth of sixteen arpens to the said Louis La Beaume, who accepts the said deed under the terms and conditions therein mentioned, all which appears by the aforesaid deed; and whereas I, the aforesaid Brazeau, made this reservation because I had verbally promised this quantity of land to Pierre Chouteau before the execution of the said deed to the said Louis La Beaume, which the said Pierre Chouteau paid me at the time, the price agreed upon between us for this piece of land which I reserved as heretofore set forth, and wishing and desiring now to fulfil the promise I had made to the said Pierre Chouteau, and to give him title for the aforesaid land, by me reserved in the sale passed between the said Louis La Beaume and me herein above mentioned; therefore know all men to whom these presents shall come, that I, the said Joseph Brazeau and Therese my wife, of the county of St. Louis, Territory of Missouri, for the consideration of one dollar, lawful money of the United States, well and truly paid to me by the said Pierre Chouteau of the same place, as we acknowledge by these presents, and of which sum we hold his heirs or assigns acquitted and discharged, have this day sold, ceded and quitted, released, abandoned and transferred to the said Pierre Chouteau, his heirs and assigns, all the right, titles, claims, possessions, pretensions and demands which we have and can have to four arpens of land in depth in the south part of said concession at the foot of the aforesaid mound, bounded on the east by the Mississippi, west by lands unknown; being the same which I, the aforesaid Joseph Brazeau reserved by the said deed made and passed between the said La Beaume and me above mentioned, and being the remainder of the balance of the said concession of land which we granted to the said Pierre Chouteau.

JOSEPH BRAZEAU,
THERESE BRAZEAU.

Witness, Zoe Le Duc, M. P. Le Duc, July 26, 1816.

4. A deed from Pierre Chouteau to George F. Strother, dated June 1, 1826, as follows:—

(*Deed from Chouteau to George F. Strother.*)

This indenture, made this first day of June, in the year 1826, between Pierre Chouteau and Bridget, his wife, and George F. Strother, of the other part, all of the city of St. Louis and State of Missouri, witnesseth that the said Pierre Chouteau and Bridget, his wife, in consideration of one thousand dollars to them in hand paid by the said George F. Strother, before ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, have bargained and sold, by these presents doth bargain and sell, unto the

said George F. Strother, his heirs and assigns, the following tract or parcel of land granted to the said Pierre Chouteau in October, 1799, by Calos Dehault Delassus, Spanish Commandant, beginning at Roy's line, running north to La Beaume's south line, and extending from the river to the common field lots west, it being intended hereby to convey to the said George F. Strother, his heirs and assigns, all the land contained within the said concession, except that heretofore sold by the said *Pere* Chouteau, according to his said several contracts to be limited by the *meets* and bounds limited and fixed by the intention of the said parties at the period of contracting, and one other tract of land containing four arpens, running on the river, and running back with four arpens, making sixteen arpens, lying between the north line of the first described tract of land and the south boundary of the tract of land sold by Joseph Brazeau to La Beaume, the said sixteen arpens of land being a tract or parcel of land confirmed to Joseph Brazeau, and sold and conveyed by said Joseph to Pere Chouteau, together with all the houses and appurtenances thereunto annexed; to have and to hold the said several tracts or parcels of land, with the tenements so intended and bargained to be sold with every part and parcel thereof, with their rights and appurtenances, unto the said George F. Strother, his heirs and assigns forever. And the said Pere Chouteau and Bridget, his wife, do hereby warrant the same free from the claims of themselves and their heirs, and all persons claiming under them, except those who now have deeds recorded in the clerk's office of St. Louis, according to the modification of said claims aforesaid described. In testimony whereof the said Pere Chouteau and Bridget, his wife, have hereunto set their hands and affixed their seals, the day and year first above written.

Signed, sealed and delivered in the presence of

PRE. CHOUTEAU, [SEAL.]
SOUCIE CHOUTEAU, [SEAL.]

J. P. CHOUTEAU,
C. CHOUTEAU.

STATE OF MISSOURI,
*County of St. Louis, ss:*

Be it remembered, that on the first day of June, in the year of our Lord one thousand eight hundred and twenty-six, before me, Mary Philip Leduc, Judge of the Probate Court within and for the county aforesaid, personally came Peter Chouteau and Bridget, his wife, personally known to me to be the persons whose names are subscribed to the foregoing instrument of writing as having executed the same, and severally acknowledged the same to be their act and deed for the purposes therein mentioned, she, the said Bridget, being by me first made acquainted with the contents thereof, and examined separate and apart from her husband, whether she executed the said

deed and relinquished her dower to the lands and tenements therein mentioned voluntarily, freely, and without compulsion or undue influence of her said husband, acknowledged and declared that she executed the said deed, and relinquishes her dower in the said lands and tenements therein mentioned voluntarily, freely, and without compulsion or undue influence from her said husband.

Taken and certified the day and year aforesaid.

W. P. LEDUC, *J. Prob.*

Recorded 22d June, 1826.

ARCHIBALD GAMBLE, *Recorder.*

STATE OF MISSOURI,
*County of St. Louis, ss.*

I, the undersigned, Recorder for said county, do hereby certify the foregoing to be a full and complete copy of an instrument of writing, and also of the certificate of acknowledgment, and of the date of recording thereof as fully as the same remains recorded in book N, pages 77 & 78.

Witness my hand and official seal at St. Louis, this 6th day of March, A. D. 1848.

[SEAL.] S. D. BARLOW, *Recorder.*

5. Deed from George F. Strothers, Adm'r to John Maguire, dated June 4, 1846.

(*Deed from Strother, Adm'r to Maguire.*)

Whereas, the Probate Court for the County of St. Louis, in the State of Missouri, at the March term thereof, that is to say, on the second day of March, in the year of our Lord one thousand eight hundred and forty-six, did make an order for the sale of the following real estate therein particularly mentioned and described as belonging to the estate of George F. Strother, deceased, late of the county aforesaid, for the payment of the debts of the deceased; and whereas I, Alexander Hamilton, administrator of the estate of said deceased, did cause the real estate in said order mentioned to be appraised by Martin Thomas, Joseph S. Hall, and John Riggin, three disinterested householders of the County of St. Louis, and a certificate of said appraisement to be made by said appraisers, which certificate is on file in the office of Judge of Probate of said county, and whereas I, Alexander Hamilton, administrator aforesaid, having caused the sale of said *relol* estate to be advertised by publication thereof for four weeks prior thereto in the "New Era," a newspaper printed and published in the City of St. Louis, in said State, and also by ten advertisements put up in public places in the said county twenty days before the said day of sale, I, the said administrator did, on the fourth day of May, in the year of our Lord one thousand eight hundred and forty-six, at the eastern door of the court-house of

the County of St. Louis, being the time and place mentioned in said advertisement, and between the hours of ten in the forenoon and five in the afternoon of that day, and while the Circuit Court for the County of St. Louis was in session, proceed to sell the real estate in said order mentioned to the highest bidder on the terms in said order mentioned; and whereas, subsequently to said sale, to wit: on the fourth day of June, in the year eighteen hundred and forty-six, I, the said administrator, did make report to the Probate Court of the county aforesaid, of my proceedings under the order of sale aforesaid, and the said Probate Court having approved and confirmed the report and proceedings of said administrator in that behalf, according to the statute in such case made and provided, and said report being now on file in the office of the said Probate Court, and John Maguire, of St. Louis, having been the highest and best bidder for the real estate in said order mentioned and hereinafter described at and for the price and sum of three hundred and fifteen dollars; and the said purchaser having made full payment of the purchase money aforesaid: Now, therefore, in order to carry into effect the said sale by virtue of the statute in such case made and provided, and in consideration of the said sum of three hundred and fifteen dollars, full payment of which I do hereby acknowledge to have received from the said John Maguire, I, the said Alexander Hamilton, administrator as aforesaid, do hereby grant, sell, and convey unto the said John Maguire, and to his heirs and assigns forever, all the right, title, and interest, which the said George F. Strother had in and to the following described real estate at the time of his decease, that is to say, a certain tract of land situate in the city of St. Louis, containing sixteen arpens, running on the Mississippi River 4 arpens, and running back 4 arpens, being a tract or parcel of land which the said George F. Strother acquired from Pierre Chouteau and wife by deed dated June 1st, 1826, recorded in the Recorder's office of the County of St. Louis, in book N, page 77, to which deed reference is here made for a more particular description; to have and to hold the same, with all the appurtenances thereto belonging, unto the said John Maguire, and his heirs and assigns forever.

In witness whereof I, the said Alexander Hamilton, as such administrator as aforesaid, have hereunto set my hand and seal the fourth day of June, A. D. 1846.

[SEAL.] ALEXANDER HAMILTON,
*Adm'r.*

STATE OF MISSOURI,
*County of St. Louis, ss:*

Be it remembered that on the fourth day of June, in the year of our Lord one thousand eight hundred and forty-six, before me, Peter Ferguson, Judge of Probate of the County of St. Louis, personally appeared Alexander Hamilton, who is personally known to me to be

the person whose name is subscribed to the foregoing instrument of writing, as a party thereto, and acknowledged the same to be his act and deed for the purposes therein mentioned.

In testimony whereof, I hereto set my hand and affix the seal of the Probate Court of the County aforesaid, at office in said County, the day and year before written.

[SEAL.] PETER FERGUSON,
*Judge of Probate.*

Filed and Recorded June 11, 1846.

S. D. BARLOW,
*Recorder.*

STATE OF MISSOURI,
*County of St. Louis, ss:*

I, the undersigned Recorder for said County, certify that the foregoing is a true and correct copy of an instrument of writing and the certificate of acknowledgment, as well as the date of filing and recording thereof, as fully as the same remains of record in my office, in book A, No. 4, page 307 and foll.

Witness my hand and official seal, this 21st day of April, 1852.

[SEAL.] S. D. BARLOW,
*Recorder.*

6. Deed from John Maguire and wife to Edward M. West, the plaintiff, dated January 9, 1852.

*Deed from Maguire to West.*

This quit-claim deed, made and entered into this ninth day of January, in the year of our Lord one thousand eight hundred and fifty-two, between John Maguire and Angeline Maguire, his wife, of the County of St. Louis, State of Missouri, parties to the first part, and Edward M. West, of Madison County, in the State of Illinois, of the second part, witnesseth that the parties of the first part, in consideration of the sum of one dollar to them in hand paid by the said party of the second part, the receipt of which is hereby acknowledged, do by these presents remise, release and forever quit claim unto the said party of the second part and to his heirs and assigns forever, the following described real estate and lot of ground situate in the Sixth Ward of the city of St. Louis, Missouri, bounded as follows, to wit: on the east by Second street, and containing eighty feet in front on the West side of Second street; north by Chambers Street; west by an alley, and south by the north line of lot numbered one hundred and four (104), in block numbered three hundred and twenty-one (321), and is designated as lot one hundred and three (103), in block numbered three hundred and twenty-one (321), of said city, containing eighty feet more or less on the west side of Second street, by a depth of one hundred and fifty feet, more or less, on Chambers street.

In testimony whereof, the said parties of the first part have hereunto set their hands and seals the day and year first aforesaid.

JOHN MAGUIRE. [SEAL.]
ANGELINE MAGUIRE. [SEAL.]

STATE OF MISSOURI,
*County of St. Louis, ss:*

Be it remembered, that on the second day of February, in the year eighteen hundred and fifty-two, before me, the undersigned, a notary public within and for the county of St. Louis and State of Missouri, came John Maguire and Angeline Maguire, his wife, who are both personally known to me to be the same persons whose names are subscribed to the foregoing instrument of writing as parties thereto, and they severally acknowledged the same to be their act and deed for the purposes therein mentioned; and she, the said Angelene Maguire, having been by me first made acquainted with the contents of said deed, on examination separate and apart from her husband, acknowledged that she executed the same and relinquished her dower in the real estate therein conveyed, freely and without compulsion or undue influence of her said husband.

In testimony whereof I hereto set my hand and affix my notarial seal the day and year last aforesaid.

[SEAL.] SAM'L A. BENNETT,
*Notary Public, St. Louis Co., Mo.*

STATE OF MISSOURI,
*County of St. Louis, ss:*

I, the undersigned, Recorder in and for said county, certify that the foregoing instrument of writing was filed for record in my office, February 14, 1852, and is truly recorded in book G, No. 6, page 175 and fol.

Witness my hand and official seal at the date aforesaid.

[SEAL.] S. D. BARLOW, *Recorder.*

7. Transcript of the record of proceedings of the Board of Commissioners confirming to Joseph Brazeau a tract of land therein mentioned, dated Sept. 22, 1810, as follows:—

*Proceeding of Board of Commissioners confirming tract of land to Joseph Brazeau.*

La Beaume and Brazeau. Proceedings before the Board of Commissioners, September 3, 1806.

*September 3d*, 1806.

The Board met agreeable to adjournment. Present the Hon. John B. C. Lucas and James L. Donaldson, Esquires. Louis La Beaume claiming 374 arpens of land, situate on the Mississippi, a distance of about two miles from the town of St. Louis, produces a

concession (duly registered) from Zenon Trudeau, for 4 by 20 arpens, dated the 20th June, 1794, and granted to one Joseph Brazeau, and another concession from said Zenon Trudeau to claimant, for the said 374 arpens, including the said 4 by 20 arpens, dated the first of February, 1799, a survey of the same, taken the second of March, and certified the 10th April, 1799, together with a certificate by Zenon Trudeau, of the sale of the said 4 by 20 arpens by said Joseph Brazeau, reserving to himself 4 arpens in superficies; said certificate the 12th May, 1798.

Hyacinth St. Cyr being duly sworn, says, that the said Joseph Brazeau the said tract of 4 by 20 arpens, and cultivated the same in the year 1794, 1795, and 1796; that having sold the same to claimant, he did, in the year 1797, put a tenant on the same, who actually cultivated it until the year 1799, when claimant moved on it; that he was then the head of a family and did, prior to and on the first day of October, 1800, actually inhabit and cultivate the same, and has continued on it until this day, the claimant abandoning his right to the aforesaid concession of 4 by 20 arpens, and claiming immediately under the second, to wit: that for three hundred and seventy-four.

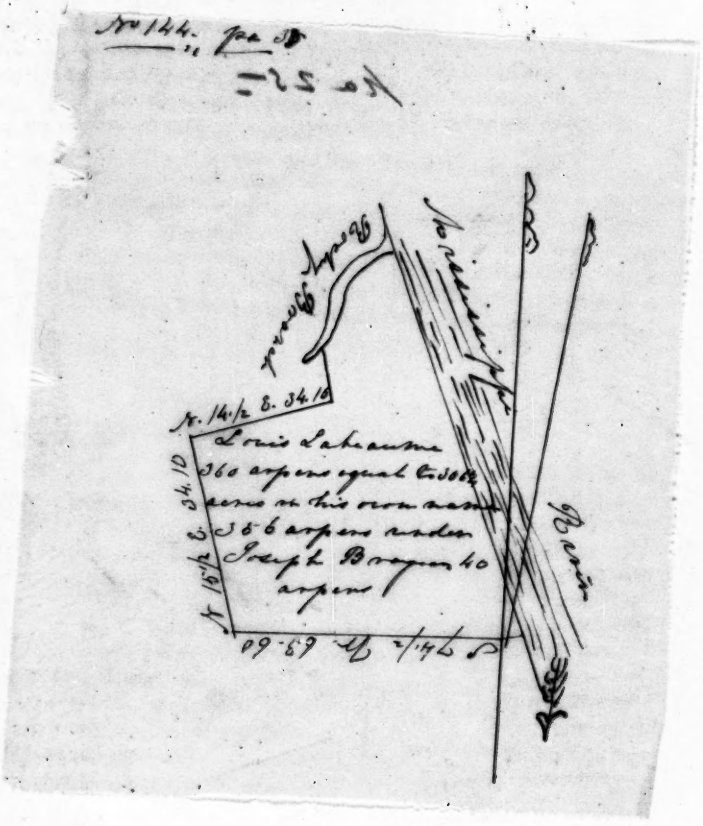
The Board reject the same; the said concession not being duly registered.

The Board adjourned to to-morrow, 9 o'clock A. M. See Commissioner Minutes, Book No. 1, pages 516, 517, and 519.

Friday, September 22d, 1810. Board met; present John B. C. Lucas, Clement B. Penrose and Frederick Bates, commissioners, Louis La Baume claiming 374 arpens of land. See Book No. 1, page 517. The board confirmed to Louis La Beaume, three hundred and fifty-six arpens; and four arpens to Joseph Brazeau, and order that the same be surveyed agreeably to a concession from Zenon Trudeau to Louis La Beaume, and as respects the four arpens agreeably to a reserve made in a sale from Joseph Brazeau to said Louis La Beaume. Recorded in Book 6, page 339, of the Recorder office.

Board adjourned till Wednesday next, three o'clock P. M. John B. C. Lucas, Clement B. Penrose, and Frederick Bates. See Commissioners' Minutes, Book No. 4, pages 502, 505, and 508. Friday, June 14, 1811, board met. Present, John B. C. Lucas, Clement B. Penrose, and Frederick Bates, Commissioner. Louis La Beaume, Book 4, 505. Survey at expense of United States. Board adjourned until to-morrow, 8 o'clock A. M. John B. C. Lucas, Clement B. Penrose, and Frederick Bates. See Commissioners' Book, No. 5, page 183, 184, and 185.

To the introduction of the record and proceedings on the confirmation to Brazeau, the defendant, at the time, objected, for the reason that upon the face of the proceedings it appeared that the Board of Commissioners had no jurisdiction of the claim of Brazeau, because Brazeau had not filed any claim for a confirmation according to the acts of Congress, and that the confirmation was void. But the court


No 144.
Louis Labeaume
360 arpens equal to 308
acres on this survey
356 arpens reader
Joseph Brazeau 40
arpens
Brazeau

overruled the defendant's objections, and allowed said proceedings to be read to the jury, and the defendant at the time duly excepted to the opinion of the court.

8. Confirmation certificate to Joseph Brazeau, No. 983, which is as follows, to wit:—

*Confirmation Certificate, No. 983, to Joseph Brazeau.*

Louisiana. Commissioners' Certificate, No. 983, June 14, 1814.—We, the undersigned commissioners for ascertaining and adjusting the titles and claims to land in the territory of Louisiana, have decided that Joseph Brazeau, original claimant, is entitled to a patent under the provisions of the 4th section of an act of the Congress of the United States, entitled, An act respecting claims to land in the territories of Orleans and Louisiana, passed the third day of March, one thousand eight hundred and seven, for four arpens of land situate in the District of St. Louis, on the Mississippi, and order that the same be surveyed agreeably to a reserve made in a sale from Joseph Brazeau to Louis La Beaume, recorded in Book C, page three hundred and thirty-nine of the Recorder's office. By virtue of a concession or order of survey from Zenon Trudeau, Lieutenant-Governor.

JOHN B. C. LUCAS,
CLEMENT B. PENROSE.
F. BATES.

Office of the Recorder of Land Titles, Saint Louis, 8th March, 1853: I certify that the above is a correct copy of the original certificate on file in this office. Adolph Renard, U. S. Recorder of Land Titles in the State of Missouri.

[For plat see original copy, page 33.]

(*Copy of Surveys, No. 982 and 983 to La Beaume.*)

9. Copy surveys No. 982 and 983 of 356 arpens to La Beaume, and 4 to Brazeau, dated Nov. 1817, No. 982 and 983, Township No. 45, north range, No. 7, east of the 5, principal meridian. Surveyed for Louis La Beaume two tracts in one, the one confirmed in his own name for 356 arpens; the other under Joseph Brazeau, for 4 arpens, together 360 arpens, equal to 306¼ acres. Beginning at the mouth of the branch, the southeast corner of Easton's tract, thence down the Mississippi River binding therewith S. 24, E. 12 ch., S. 33, E. 14, S. 35, E. 13, S. 27°, E. 8, S. 25, E. 13, S. 24, E. 15.50; a stone at the mouth of an old ditch the lower corner on the river, thence S. 74½, W. 11 ch. 50 lks., intersects the line of the common fields 63 chs. 50 lks. a stone the southwest corner of the tract, thence N. 15½°, W. 47 chs.; the northwest corner post a red oak three inches diameter, west 5 links; thence N. 74½° E. 34 chs. 10 lks. a

stone; thence N. 15½, W. 10 chs. 20 lks. to the branch where the road crosses; thence meandered down the same N. 50°, E. 2 chs. 50 lks. N. 25, W. 5 chs. 70, east 2, north 6, N. 70, E. 3, 70, north 2 86 lks. west, 350 lks. N. 25, E. 4 chs., N. 60, E. 1 ch. 50 lks. N. 36 E. 2″, 50 lks., S. 80, E. 2″, 50 lks. the mouth of the branch at the beginning. November, 1817.

(Signed) JOSEPH C. BROWN, D. S.

Surveyor's Office, St. Louis, Sept. 4, 1822: I certify that the foregoing is a true copy of the survey on file in this office.

(Signed) WM. RECTOR.

To Frederick Bates, Esq., Recorder of Land Titles for the Missouri Territory:

Surveyor's Office, St. Louis, Oct. 24, 1832: I certify that the foregoing survey, No. 982 and 983, together with the certificate of Wm. Rector, is recorded in book C, page 73 and 74.

To F. R. Conway, Esq., recorder of land titles, office of the Surveyor-General for Illinois and Missouri, March 7, 1853: I certify that the above plat and filed notes of surveys, No. 982 and 983 in the name of Louis La Beaume, is correctly copied from page 73 of book C of the record of private survey on file in this office.

D. A. SPAULDING,
*Surveyor-General.*

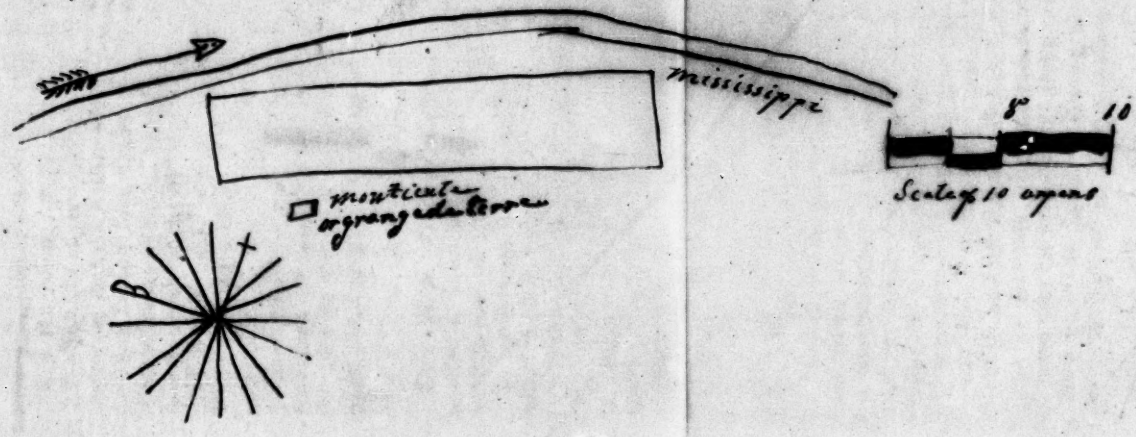
(*Petition, concession, and order of survey to Esther.*)

10. Petition, concession and order of survey to Esther from Livre Terrien with plat, dated Oct. 5, 1793, to wit: To Don Zenon Trudeau, captain of the stationary regiment of Louisiana, Lieutenant-Governor and commander-in-chief of the western part of Illinois: Esther, a free mulatress, residing in this town of St. Louis, humbly supplicate and has the honor to state to you that she would wish to obtain at the northern part of this town, a piece of land situated on the borders of the Mississippi, the northern portion of the concession now asked for to be situated between the small mound called the "Grange de Terre" and the beach of the said Mississippi, having at its two extremities four arpens of land in front that shall bear about from east-northeast to west-southwest by twenty arpens in extent or depth that shall run from about north-northwest to south-southeast: in order that the petitioner may enjoy the same as her property herself, her heirs or assigns, to make hay, pasture her cattle, or for such other purposes as may suit her interest, and the petitioner shall not cease to render thanks to your goodness. St. Louis, this 2d October, 1793.

Mark × of ESTHER.

[For plat see original, pa. 35.]

N° 144 fol. 35°




fol 20.

We, Lieutenant-Governor, after having ascertained that the land asked for belongs to the domain of his majesty, and that it is not prejudicial to anybody, do certify to have put in possession the free mulatress named Esther of the portion of land designated in her petition, having four arpens front, running from about east-north-east to west-southwest, by twenty arpens in depth, running from about north-northwest to south-southeast, situated at the north part of this town, between the small mound called the Grange de Terre and the borders of the Mississippi; descending the said river, three sides of the said land asked for are limited by the domain of his majesty, and the other side, which is in the direction of the east-northeast, is bounded by the banks of the Mississippi, as is shown by the plat on the back hereof, and is testimony thereof. We have given the presents in the town of St. Louis this 3d of October, 1793.

ZENON TRUDEAU.

Don Zenon Trudeau, Captain of the Stationary Regiment of Louisiana, Lieutenant-Governor and Commander-in-Chief of the western part of Illinois:

In consequence of the demand to us made by the free mulatress named Esther, residing in this town of St. Louis, in her memorial, dated the second day of the present month, and having ourself put her in possession according to the act drawn by us on the following day, we have conceded, and we do concede to the said named Esther in fee-simple for her, her heirs or assigns, or all others who may represent her rights, the tract of land before designated, having four arpens front at its two ends, that shall bear from about east-northeast to west-southwest by twenty arpens in depth, which run from about north-northwest to south-southeast, situated at the north of this town. Then the northern part of this concession will be situated between the small mound called the Grange de Terre, and the borders of the Mississippi in descending the said river to the complement and extent of the above said twenty arpens in depth. The north-northwest, the south-southeast and the west-southwest, which are nearly the courses of the lines, shall be bounded by the domains of his majesty, and east-northeast side, that is the side of the river, shall be limited by the edge of its beach: in order that the said named Esther may cut thereon the hay she needs, pasture her cattle, and use the same for such other purposes as may be suitable to her interests; the same remaining liable to the laws, charges and taxes that his majesty may think proper to lay thereon. Given in the town of St. Louis, of Illinois, this fifth day of the month of October, in the year one thousand seven hundred and ninety-three.

ZENON TRUDEAU.

*St. Louis*, 7th July, 1848.

I have correctly translated the foregoing.

ADOLPHE RENARD.

(*Testimony of Madame McNair.*)

11. The plaintiff then read testimony of Madame McNair, from report of testimony, page 9, taken in the case Maguire *vs.* Vice, in St. Louis Common Pleas, as follows, viz:—

Margaret S. McNair, being sworn on behalf of plaintiff, says: I am a native of St. Louis, and am 66 years old; am the widow of the late Governor McNair; (original document, purporting to be petition and concession to Esther, shown witness,) this paper has been in my possession or under my control some 16 years; it was given to me by Esther, mulatress woman, when she made me a deed for the same property; it has been under my control ever since; she resided and died on 4th street; the next block, I think, below the hospital; she was between 60 and 70 years old when she died; I think she died in 1832, it was at the time of the first cholera in St. Louis, she died of cholera; I got this paper of her some years previous to her death; the records will show the date of her deed to me, and it was about that time I received this paper from her; the property was near the mound in north St. Louis; this document has not been changed, to my knowledge, since it has been under my control; I have seen the signature of Gov. Trudeau on this paper and on other papers, but never paid particular attention to it.

*Cross-examined.*—I claim the Esther concession at this time.

*Re-examined.*—The Esther claim was confirmed on an application made by me and others.

12. The plaintiff then gave in evidence the report of N. F. Hyer, County Surveyor of St. Louis County, of his survey of the premises in question, made under the order of this Court, together with a plat or map made by him, as follows, to wit:—

*County Surveyor's Office, St. Louis,* Nov. 22d, 1852.

U. S. Circuit Court,
*Missouri District:*

Edward M. West, Plaintiff,
vs.
Joseph Cochran, Defendant. } In Ejectment.

(*Surveyor's Report.*)

By virtue of an order of the Court in this case, that a survey be made of the land in dispute, herein to me directed and delivered, and in pursuance of due notice given to the parties, I have since the tenth day of September last, executed the said order upon the premises in the following manner, to wit:—

I was met on the premises by John Maguire, Esq., who appeared for the plaintiff, and Britton A. Hill, Esq., for the defendant; the parties pointed out to me the south line of the survey, in the name of Louis La Beaume, and the location of La Beaume's southern ditch,

which is the southern line of said survey, and in that line the stone recently set by Gen. Milburn as the N. W. corner of survey N. 3332, in the name of Joseph Brazeau, which stone the parties agreed was at the corner of the four arpens reserved by Brazeau in his sale to La Beaume, the plaintiff claiming that it was the S. W. corner and the defendant that it was the N. W. corner, La Beaume's southern ditch being either the north or south line of the said four arpens, the plaintiff claiming that it lay north of the said ditch, and requesting me to survey it there, the defendant claiming that it lay south of the said ditch, in accordance with the survey recently made by Gen. Milburn, under the direction of the Surveyor-General, the defendant wanting no survey made, except the lot No. 103 in block No. 321, as described in the plaintiff's declaration, which lot I have surveyed and correctly represented on the map herewith returned, shaded green. At the request of Mr. Maguire, for the plaintiff, I have made the following survey: beginning at the intersection of the north line of Antoine Roy's survey, with the line of curbstone on the east side of Main street, and running thence N. S. W. along said line of curbstone 22 chains and 50 links, thence north 9° west 32 chains and 71 links to the line of La Beaume's survey to a point 2 chains and 38 links westwardly from the southeast corner of said La Beaume's survey, thence south 74¾ west with the south line of La Beaume's survey 9 chains and 53½ links to the corner of Brazeau's survey, No. 3332 as before noted, 12 chains and 41 links to the curbstone on the east side of Broadway, thence north 21½ west along the line of curbstone so far as that a line drawn parallel to La Beaume's southern ditch when produced will touch the southern side of Rocky Branch at the corner of La Beaume's survey by Milburn, as represented on the plat, which line I find by calculation based upon my own measurements (the buildings, &c. preventing my measuring the same in its true course, to be distant from the said south line of La Beaume's survey 58 chains and 33 links on a course north 29° west). I now go to corner of La Beaume's survey at the bridge, as represented on the map, and run north 74¾, east 15 chains and 43 links to the bank of the river, the point represented on the map as the N. E. corner of the 4 by 20 arpens to Joseph Brazeau. Having established this point I am unable to lay down on the map as I have done, the concession to Joseph Brazeau of 4 by 20 arpens, and from the surveys hereinbefore described, together with description contained in the certified copies of documents furnished me, I have laid down the claim of Antoine Roy, Esther and Pierre Chouteau, and to make the survey of 4 arpens reserved by Brazeau in his sale to La Beaume as claimed by John Maguire, which survey I have made at the request of said Maguire, for the plaintiff, as aforesaid, as follows:—

Beginning at the N. W. corner of survey 3332, situated as before mentioned, I run N. 29°, W. 11 chains, and 66⅔ links to a point from which the east end of a brick house is 31½ links distant, and the north

line of C. Case's dwelling-house is 14½ links distant, thence N. 74¾ E. 12 chains, set a stone from which the S. E. corner of a lath factory, occupied by Sammelmann and Marine, bears North 24, E. 153 links distant, and a large black walnut post set for hitching boats, bears N. 72, E. 95 links distant; thence S. 29°, E. 11 chains and 66⅔ links to a point from which N. E. corner of survey 3332 bears S. 74¾ W., and is 21 links distant; thence S. 74¾, W. 12 chains to the place of beginning, containing 16 arpens of land. I have also taken three lines of levels from the "Big Mound," which are represented by the three lines of profile on the map. From the Big Mound, or "Grange de Terre," the ground descends to the shaded blue line on the northern part of survey 3332, and from that line the ground begins to ascend to the north. I have also surveyed the lots and blocks on the 4 by 4 arpens as represented on the map, together with a portion of Broadway with the cross streets. I have also represented on the map the general course of Rocky Branch, together with a portion of the topography of the land near the bridge at the east side of the Brazeau 4 by 20 arpens. I have represented two lines, the one making the corners at the south end identical with those of survey 3332, and the other four arpens distant from the west line of said tract at right angle therefrom.

N. F. HYER,
*County Surv'r.*

(The map is too large to be copied here, but is on file among the papers of this cause. BEN. F. HICKMAN, *Cl'k.*)

(*Admission as to Possession and as to Value of Lot sued for.*)

13. It was admitted that defendant was in possession of the lot of ground sued for before and at the time of the institution of this suit, and that he claimed under the legal representatives of William Chambers, and that said lot was worth three thousand two hundred dollars.

14. Read from page 130, Register D'arpentage as follows, to wit:—

[For plat see original page 42.]

(*From Register D'arpentage.*)

No. 13, Dr. Louis La Beaume.—Note.—*a*, bounds of stones witnessed with drop of iron (or smith's cinders); *b*, a cottonwood in the creek; *c*, *d*, *e*, *f* designate the extent of ground enclosed by a ditch; *g*, house of the owner, (literally, master, martre), cabin, barn, &c., situated at about three miles north (N.) of St. Louis, surveyed on the 2d March, 1799, in virtue of the decree from the Lieut-Governor, dated the 15th February, certificate of survey delivered on the 15th April. Office of the Surveyor-General for Illinois, St. Louis, 20th of April, 1853.

I certify that the above plat and the marginal notes and references thereto, are correctly copied from page 130 of "Register D'arpentage," kept in my office.

D. A. SPALDING,
*Surveyor-Gen.*

15. Concession 1799, and Spanish survey to Pierre Chouteau, and petition as follows:—

(*Concession in* 1799 *and Spanish survey to Pierre Chouteau and Petition.*

To Don Charles Dehault Delassus, Lieutenant-Colonel attached to the Stationary Regiment of Louisiana, and Lieutenant-Governor of the upper part of the same province: Don Peter Chouteau, Lieutenant of the Militia, and Commandant of Fort Carondelet, in the nation of the Osage, has the honor to represent to you that the absolute want of flour mills in this country, and the necessities that are resulting from the visible decline of the fur trade are the reasons which have induced him to conceive the project to devote himself to the more durable trade of corn, which at the same time shall open for the cultivator an outlet for his produce less precarious than that heretofore enjoyed. He has therefore conceived the project of the construction of a floating mill for the grinding of superfine flour, which he intends to place on the Mississippi River, at about one mile from this town, in a locality that shall entirely put it out of the reach of running ice; but considering that to form this expensive establishment, he wants room large enough for the construction of his stores, &c., he therefore supplicates you to have the goodness to grant to him at the same place above mentioned, the vacant space of land between the tract conceded to Mr. Antoine Roy for the erection of a wind-mill in annulment of the pretensions that Mr. Jacques Clamorgan could have to the said land for the reasons mentioned in the decree annexed to the petition of the said Mr. Roy (see his concession), dated the 4th of August, 1797, which is situated and bounded as follows, to wit: North by the line of Mr. La Beaume's tract, south by the line of Mr. Antoine Roy's tract, east by the river, and west by the domain of his Majesty; the said land running on the heights, and at the distance of six arpens from the river, which shall be its depth; as to its area, it can be determined only by the survey that you will be pleased to order. The petitioner hopes, from his zeal for his majesty's service and your justice, that you will be pleased to foster an establishment that may become useful to the public, by granting him the favor which he solicits.

(Signed) PETER CHOUTEAU.

*St. Louis*, 15th October, 1799.

*St. Louis of Illinois*, 16th October, 1799.

Having seen the statement set forth in the foregoing petition, and

in consideration of the just motives advanced by the petitioner, and a decree of my predecessor, the Lieutenant-Governor, Don Zenon Trudeau, of the 4th of August, 1797, written at the foot of the petition of Mr. Antoine Roy, from which it appears that the land asked for remains re-united to the Royal domain, the surveyor of this upper Louisiana, Don Antoine Soulard, shall put the petitioner in possession of the land asked for, which being done, and the operations of survey completed, he shall deliver to the interested party his certificate thereof, that it may serve to obtain the title of concession in due form from the Intendant-general of these provinces, to whom alone, by order of his majesty, is delegated the right of distributing and conceding all classes of royal land.

(Signed) CARLOS DEHAULT DELASSUS.

*Note.*—The four corners and the bounds (on the lines) are stones rammed in with the dross of iron. They are shown on the plat registered in book B, for the surveys of said Post (St. Louis), folio C, No. 6.

[For plat, see original, p. 45.]

I, Don Antoine Soulard, Surveyor particular of Upper Louisiana, do certify that on the 10th of March of the present year (in virtue of the decree, hereto annexed, of the Lieutenant-Governor and subdelegate of the royal fise, Don Carlos Dehault Delassus, dated the 16th October, 1799), I went on the land of Mr. Pierre Chouteau, for the purpose of surveying the same agreeable to his demand, for 133 superficial arpens, which survey was executed in the presence of the owner and of his adjoining neighbors with the perch of the city of Paris, of 18 feet in length, in accordance with the customs of surveying lands in the province of Louisiana, and without regard to the variation of the needle, which is 7 degrees and 30 minutes east, as appears from the above plat. This land is situated at about 12 arpens north of this town of St. Louis, bounded north by the land of Louis La Beaume, south in part by another tract owned by Antoine Roy, and in part by that of Hyacinth Eglize, east by the bank of the Mississippi, and west by the vacant lands of the domain; and in order that the whole may be proven whenever needed, I give the present certificate, with the figurative plat which precedes, on which are shown the dimensions of said lands, and the limits, both natural and artificial, that surround it.

St. Louis of Illinois, 17th of June, 1803.

(Signed) ANTOINE SOULARD,
*Surveyor-General.*

See Record Book C, pp. 377, 378, and 379.

*St. Louis*, 31st March, 1848.

I have correctly transcribed the foregoing.

ADOLPHE RENARD,
*Recorder.*

No. 144 Pa. &c.

Land claimed by Royal Gazette

Plan of Land claimed by Royal Gazette

Scale 1 Inch = 20 Perches

Stone

A. 67½ & 70/100 Acres

Plan of the Chantean

133 Square Perches.

Stone

A. 22½ Pr. 100/100 Perches

Stone

Stone

Stone

16. Confirmation to Esther, 1836, and proceedings before board, and evidence, as follows, to wit:—

[Doc. No. 95.]

| No. | Name of original claimant. | Quantity of arpens. | Name and date of claim. | By whom granted. | By whom surveyed, date, and situation. |
|---|---|---|---|---|---|
| 70 | Esther, free mulatto woman. | 80 | Concession, 5th Oct. 1793. | Z. Trudeau. | Zenon Trudeau, Oct. 3, 1793, of St. Louis. |

*Confirmation to Esther*, 1836, *and procedings before Board, and evidence.*

Evidence with reference to minutes and records:—

*August* 22, 1806.

The Board met agreeably to adjournment. Present the Hon. John B. C. Lucas, Clement B. Penrose, and James L. Donaldson, Commissioners.

The same (Jacques Clamorgan) assignee of Esther, a mulatto woman, claiming 4 by 20 arpens of land, situated in the Plaine of St. Louis, produces a duly registered warrant of survey from Zenon Trudeau, dated the 2d of October, 1798, granted for the purpose of cutting hay, and a deed of transfer of the same, dated the 2d of September, 1794. Joseph Brazeau, being duly sworn, says, that to his knowledge claimant did make hay on said land, but cannot say positively when. The Board reject this claim. See Book No. 1, page 485.

*March* 6, 1833.

The board met pursuant to adjournment. Present, F. R. Conway, A. G. Harrison, Commissioners.

Esther, free mulatto woman claiming 80 arpens of land: See Livre Terrein, No. 5, pages 10 and 11, book C, pages 159 and 160.

Rene Dodier being duly sworn, says that he knew Esther, a free mulatto woman (who lived with Clamorgan); that she had a grant of land near the mound, commonly called La Grange de Terre; that she lived with Clamorgan as if she had been his wife; that Clamorgan had several children by her; that Esther had cattle which were sent to pasture along with Clamorgan's cattle on said piece of land, and that she was generally known as being the lawful owner of said land, was comprised in the common fields of St. Louis, the fence of said field running on this side, where now lives Mr. John Mullauphy. Witness further says, that he thinks Esther's land extended to the bank of the Mississippi, as it did not run west of the road going to Bellefontaine. See Book No. 6, page 11.

as they would never select for the position of their artillery a tower but ten feet in diameter, with a thickness of walls proportionate to its purpose, and which could promptly be destroyed by the artillery of the place, while the heights intervening between, and the fort would offer to them nearer batteries that could be in a few hours fitted to receive artillery.

(Signed) DEFINILS.
(Signed) L. VAN DEN BENDERN.

*St. Louis of Illinois*, 6th July, 1797.

*St. Louis of Illinois*, the 7th July, 1797.

I accede to the above demand under the conditions expressed by the engineers, and this document is to be deposited in the archives of the Lieutenant-Governor, who will give a certified copy thereof to the interested party.

(Signed) CHARLES HOWARD.

*St. Louis of Illinois*, the 7th July, 1797.

So far as the land asked for by Mr. Roy be vacant and belong to the King's domain, Mr. Soulard in his quality of Surveyor for this jurisdiction, shall give possession of it to the petitioner, and shall here below give his certificate of the same, which is to serve to deliver to him (the petitioner) the concession which he solicits for in order that the whole be sent to the Governor-general.

(Signed) ZENON TRUDEAU.

*St. Louis of Illinois*, this 12th of July, 1797.

I have the honor to report to the Lieutenant-Governor that, in virtue of his above decree, I went upon the land of Mr. Antoine Roy to survey it; and, as was my duty, I called upon Mr. Jacques Clamorgan, his adjacent neighbor, who informed me that the ground on which I was operating has been for a number of years granted to him, and requested me to suspend my operations until you would be pleased to order otherwise; that however, inasmuch as Mr. Roy had the intention to build a mill, he was willing to further his purpose, to abandon one arpent front by the depth that might suit him.

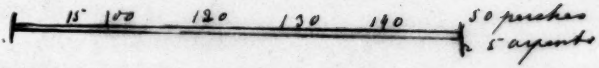
(Signed) ANTOINE SOULARD.

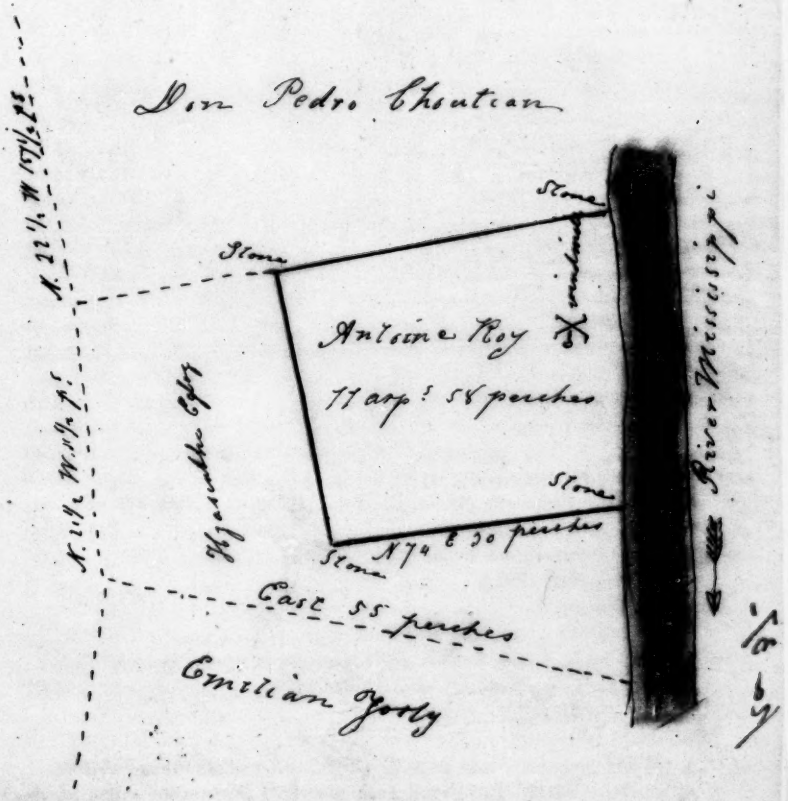
4th of August, 1797.

Inasmuch as Mr. Clamorgan has not done any work on the land to which he pretends, and that the delay granted to begin improvements has expired without even his having contributed to any change, Mr. Antoine Roy shall have preference for the same ground to the extent asked for by him.

(Signed) ZENON TRUDEAU.

N°144 - fa : 52 —


15' 100 120 120 140 80 perches
5 arpents


Don Pedro Chouteau
N. 22 ½ W. 157½ perches
Stone
Stone
Antoine Roy
11 arp.s 58 perches
Stone
Stone
N 74 E 30 perches
N. 11½ W. 114 perches
Wyandotte Colony
East 55 perches
Emilian Gordy
River Mississippi

A copy conformable to the original deposited in the archives of this command. St. Louis, the 15th July, 1799.

ZENON TRUDEAU.

UPPER LOUISIANA,
*District of St. Louis of Illinois:*

The four corners are stones rammed in with the dross of iron. They are shown on the foregoing plat registered in book B of surveys for said post, folio 7, No. 7.

[For plat see original, page 52.]

I, Don Antonio Soulard, Surveyor-General of Upper Louisiana, do certify that on the 10th of March of this present year, in virtue of the decree hereto annexed of the Lieutenant-Governor of this Upper Louisiana, Don Zenon Trudeau, dated the 7th July, 1797, I went on the land of Mr. Antoine Roy to survey the same according to his demand for 11 arpens, 58 perches in superficies. The said survey was executed in the presence of owner and his adjoining neighbors, with the perch of Paris, 18 feet long, according to the custom of surveying lands in this province of Louisiana, and without regard to the variation of the needle, which is 7 degrees and 30 minutes east, as appears from the foregoing plat. The said land is situated at about 8 or 9 arpens north from this town of St. Louis, and is bounded on the north by the land of Mr. Peter Chouteau; south by the land of Mr. Hyacinth Egliz; east by the bank of the Mississippi River, and west by the said land of Mr. Egliz; and in order that the whole may be available whenever needed, I give the present certificate and the foregoing plat, on which are shown the dimensions of said land, and the limits both natural and artificial thereof. St. Louis of Illinois, the 17th of June, 1803.

ANT. SOULARD,
*Surveyor-General.*

See Record Book 19, pages 148, 149. St. Louis, 31st March, 1848. I have correctly translated the foregoing.

ADOLPHE RENARD, *Recorder.*

Monday, November 28, 1808. Board met: present the Hon. John B. Lucas, Clement B. Penrose, and Frederick Bates. Antoine Roy, claiming 600 feet square of land, situate near the town of St. Louis, on the river Mississippi, produces to the Board a certified copy of a concession from Don Zenon Trudeau, Lieutenant-Governor, dated 4th August, 1797. Concession given for the purpose of building a windmill, certified by the said Zenon Trudeau, 15th July, 1799; a plat of survey of 11 arpens, 58 perches, dated 10th March, 1803, and certified 17th June, 1803. Louis Brazeau sworn, says, that

about ten years ago claimant built a windmill on the tract claimed, that the said mill is still on the place, and was in operation about two years; that claimant has done work constantly on said land ever since. Laid over for decision.

Board adjourned. John B. C. Lucas, Clement B. Penrose, Frederick Bates. See minutes of old board, No. 3, pages 373, 374, and 376.

Friday, February 17, 1809. Board met: present, John B. C. Lucas, Clement B. Penrose, and Frederick Bates, Commissioners' Certificate No. 181. Antoine Roy: a claim for 600 feet square of land. Book 3, page 374. Confirmed unanimously to Antoine Roy, eleven arpens and fifty-eight perches, described in a plat of survey certified the 17th June, 1803, and to be found of record in Book D, pages 449 (149) of the Recorder's office.

Board adjourned. John B. C. Lucas, Clement B. Penrose, Frederick Bates. See minutes of old Board, No. 3, pages 475 and 476.

Louisiana. Commissioners' Certificate No. 181. February 17th, 1800.—We, the undersigned Commissioners for ascertaining and adjusting the titles and claims to lands in the territory of Louisiana, have decided that Antoine Roy, original claimant, is entitled to a patent under the provisions of the fourth section of an act of Congress of the United States, entitled "An act respecting claims to land in the territories of Orleans and Louisiana," passed the third day of March, one thousand eight hundred and seven, for eleven arpens and fifty-eight perches of land, situate in the district of St. Louis, on the river Mississippi, as described in a plat of survey certified the seventeenth of June, one thousand eight hundred and three, and to be found on record in Book D, page four hundred and forty-nine of the Recorder's office, by virtue of a concession or order of survey from Zenon Trudeau, Lieutenant-Governor.

JOHN B. C. LUCAS,
CLEMENT PENROSE,
FREDERICK BATES.

See original certificate on file.

*Recorder's Office, St. Louis,* 29th March, 1848.

I certify the foregoing to be truly transcribed from the books and records (at the page therein mentioned), and the files of this office.

ADOLPHE RENARD,
*U. S. Recorder of Land Titles in the State of Mississippi.*

(*Plaintiff's evidence of Surveyors and others.*)

The plaintiff then gave in evidence the testimony of three practical surveyors and others, tending to prove that in their opinion the foot of the hill, on which the mound called "Le Grange de Terre" stands, is at or nearly coincident with the ditch known as Labeaume's South Ditch, to the north of the mound, and that the whole of the

concession of 4 by 20 arpens to Brazeau is situate to the north of said ditch, and within the Soulard survey of Labeaume's concession; and that the location and situation of the premises in question are correctly represented upon the map or plat made by N. F. Hyer, County Surveyor, and in his report given in evidence; and that the north foot of said mound, called "Le Grange de Terre," extended to the south line of Brooklyn Street, as marked on said map of N. F. Hyer, and is four arpens south of the South ditch of Labeaume, or thereabouts.

On cross-examination of these witnesses, it appeared in evidence that the old half-moon was on the bank of the Mississippi River, a little south of old Cherry street, in the north part of the old town of St. Louis, as it existed in Spanish times; that a New Madrid location in favor of Henry Peroux's representatives, was made in 1825, which extended from the south ditch of Labeaume down south to the old Tower of St. Louis, covering all the land between the east line of the common fields and the Mississippi River, south of said ditch. The defendant admitted he was in possession of the premises in question at the commencement of this suit, as tenant under the heirs of William Chambers.

Here the plaintiff rested.

(*Defendant's Case.*)

The defendant, to sustain the issue of his part, offered in evidence U. S. Survey No. 3333, to Labeaume's representatives, approved Feb'ry 26th, 1852, to the reading of which the plaintiff by his counsel at the time objected, but the Court overruled the plaintiff's objection and allowed said survey to be read, and the plaintiff at the time duly excepted to the opinion of the Court.

(*Survey No.* 3333.)

Survey No. 3333. On the 10th and 25th June, 1794, Zenon Trudeau, Lieutenant-governor of the Spanish province of Upper Louisiana, conceded to Joseph Brazeau four arpens of land in front by twenty arpens in length, along the Mississippi River, near to and north of the town of St. Louis. On the 12th May, 1798, the said Lieutenant-governor certified that the above concession, with the reserve of four arpens, had been sold to Louis Labeaume by deed executed the 9th May, 1798. Louis Labeaume, petitioned the same governor to grant to him 360 arpens of land, including that which he had acquired from Brazeau; that is (in the words and figures of said petition) 20 arpens in depth from the Mississippi, in ascending the Rocky Branch, west ¼ south by 16 arpens in front along the Mississippi, to be taken from the descent of the road into the creek, which is the same front of the land of the petitioner, the angle formed by the perpendicular from the road to the river, by the creek and by the river, shall complete or about the track asked for by the

platted and described as follows, to wit: Description—Begin at a stake set on the right bank of the Mississippi River, between high and low water mark, and on the extension line produced eastwardly from Labeaume's southern ditch, the lower and most eastern corner of this survey, and the upper and most northern corner of the survey of Joseph Brazeau numbered three thousand three hundred and thirty-two, from which the northeast corner of the ruins of a stone house built by the late Martin Thomas for a distillery, etc. bears south fifty-seven degrees and forty-five minutes west, distant one hundred twenty-nine links: thence south seventy-four degrees and thirty minutes west, with the southerly boundary of this survey with the line of Labeaume's southern ditch at four chains twenty-three links; a stone at the southeast corner of an enclosure at eighty chains fifty-six links; a stone at the southwest corner of an enclosure at nine chains twenty-two links; a stone at the southeast corner of another enclosure at eleven chains intersects the eastern boundary of the St. Louis common field, and the eastern boundary of the lot in said common field, being survey numbered one thousand four hundred and ten, at a stone two chains, thirty-three and a third links; northwardly of the southwest corner of said lot at eleven chains seventy-six and two-thirds links; a stone the westerly corner of Brazeau's survey, number three thousand three hundred and thirty-two, and fourteen chains seventy-six links, intersects the eastern line of edge-stones to the macadamized part of Broadway, at a point north thirteen degrees, west two hundred and eight links; distant from another point in the northern line of Labaume street, which latter point is forty-two links westwardly from the northeast corner of Labaume street and Broadway, and south twenty degrees and forty-five minutes, east four hundred and twenty links, distant from a point in the northern line of Webster street thirty-five links; westwardly from the northeast corner of Webster street and Broadway at fourteen chains ninety-four and a half links, the centre line of Broadway at fifteen chains and thirteen links, intersecting the western line of edge-stones to the macadamized part of Broadway, at fifteen chains forty-seven links; intersect the line between the common field lots, survey numbered one thousand four hundred ten and one thousand four hundred eighty-four, four hundred fifty links; westwardly from their common corner on the eastern boundary of the common field; at twenty-two chains fifty links, the supposed place of the western end of Labeaume's southern ditch, and southern end of his western ditch, at twenty-five chains eighty-five links; the western edge of a stone on the eastern edge of Tenth street, at twenty-seven chains twenty-two links; the eastern edge of a stone on the western edge of Tenth street, at twenty-eight chains forty-five links; a set stone at thirty chains fifty-nine and a half links; a set stone at thirty-two chains sixty-eight links intersect the line between the common field lots, surveys numbered one thousand four hundred eighty-four and one thousand four hundred and eighty-three, at a large stone twenty-one chains and sixty-four links; westwardly from

the common corner to said lots on the eastern boundary line of the common field, at thirty-eight chains fifty-six links; intersects the southern line of common field lot, survey number one thousand four hundred eighty-three; at the northwest corner of the school lot, survey number three hundred seventy-nine (of St. Louis lands), twenty-seven chains and fifty-six links; westwardly from the common corner of said surveys on the eastern boundary of the common field. Said intersection is in the garden of Major Edward Dobyns, at a pond from which the southwestern corner of the main part of said Dobyns's house bear south seventy-seven degrees east, distant one hundred twenty-three links; at forty chains ten links leave Dobyns's garden; at forty chains eighteen and a half links a small set stone; at forty chains forty-eight links a large set stone; at forty-one chains forty-two links a large set

(For plat see original, page 63.)

stone; at forty-two chains sixty-two links a small set stone; at forty-three chains ten links a long pond, extending northwardly and southwardly, and fifty links wide, at forty-four chains twenty links, intersect the northern line of the common field lot, survey number one thousand four hundred and eighty-two, at a large stone, being the most western corner of the aforesaid school lot, number three hundred and seventy-nine, and thirty-three chains, twenty-seven links westwardly from the common corner to said lots on the eastern boundary of the common field at forty-six chains, thirty-five links; a large set stone at forty-seven chains, twenty-four and a half links; a large set stone at forty-nine chains, ninety-six links, intersect the line between the common field lots, surveys numbered one thousand four hundred and eighty-two and one thousand four hundred and eighty-one, at a large stone thirty-nine chains and fourteen links westwardly from the common corner to said surveys on the eastern boundary of the common field at fifty-one chains, thirty-two links, a large set stone at fifty-two chains and eighteen links, a set stone seven links to the left of the line at fifty-five chains seventy-four links, intersects the line between the common field lots, surveys numbered one thousand four hundred and eighty-one and one thousand four hundred and eighty, at a line stone forty-five chains and four links westwardly from the common corner to said surveys on the eastern boundary of the common field, and from said intersection a white oak eight inches in diameter bears north forty degrees east, distant fifteen links, and a red oak, eight inches in diameter, bears north fifty-nine degrees and thirty minutes west, distant ten links, at sixty chains, eighty-three and a third links, intersect Tyler's western fence ten links northward of the south-west corner of his enclosure, at sixty-one chains forty-eight links, intersects the line between the common field lot surveys numbered one thousand four hundred and eighty and one thousand four hundred and seventy-nine; at a line stone fifty chains, eighty-nine links westwardly from the

common corner to said surveys, on the eastern boundary of the common field from said intersection, the centre of the northern opening of the culvert across Mullanphy street, bears south thirteen degrees and thirty minutes east, distant fifty-two links; at sixty-three chains and eight links intersect the line of water-pipes in Mullanphy street, at sixty-four chains thirty-three links, intersect the line of water-pipes in Seventeenth street; at sixty-four chains, seventy-two links, intersect James Clemens's fence; on the west side of Seventeenth street south fifteen degrees west, and thirty-nine links distant from the northern corner of his lot, at sixty-seven chains and two links, intersect the line between the common field lots, surveys numbered one thousand four hundred and seventy-nine and seven hundred thirty-four, at a point fifty-six chains seventy-four links westwardly from the common corner to said surveys on the eastern boundary of the common field, sixty-seven chains eight links and one-third of a link, equal to twenty-three arpens, to a lime stone thirty inches long, twelve inches wide and ten inches thick, the most sourthern corner of this survey. Thence north fifteen degrees and thirty minutes west, with the westerly boundary of this survey at three and a half links, intersect the line between the common field lots, surveys numbered seven hundred thirty-four, and one thousand four hundred seventy-nine, at a point sixty-two chains and forty-three links eastwardly from the common corner to said surveys on the western boundary of the common field at one chain and seventeen links, intersect the northwestern boundary line of the city of St. Louis at one chain eighty-three and a half links, intersect Clemens's fence on the south side of Mullanphy street, two chains ninety-five links north seventy-five degrees west from the corner of his enclosure at the southwest corner of Mullanphy and Seventeenth streets; at three chains and forty-links intersect the line between the common field lots surveys, numbered one thousand four hundred and seventy-nine, and one thousand four hundred and eighty, at a line stone sixty-one chains and seventy-one links south seventy-five degrees and fifteen minutes east from the common corner to said surveys on the western boundary of the common field at six chains seventy-seven links intersect the line between the common field lots surveys numbered one thousand four hundred eighty-one, at a point in a pond, one hundred fifty links wide and sixty chains ninety-seven links, south seventy-five degrees and fifteen minutes east from the common corner to said surveys on the western boundary of the common field at ten chains 18 links intersects the line between the common field lots surveys numbered one thousand four hundred eighty-one and one thousand four hundred eighty-two at a line stone sixty chains and seven links south seventy-five degrees and fifteen minutes east from the common corner to said surveys on the western boundary of the common field, at thirteen chains sixty-one links intersect the northern line of the common field lot, survey number one thousand four hundred eighty-two and the southern line of a lot heretofore assigned to the public schools of the city

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of St. Louis, as survey number three hundred eighty at a line stone set at Hanfield's southern fence, fifteen and three-quarter links eastward of his southwest corner, and fifty-nine chains and one link south seventy-five degrees and fifteen minutes east from the common corner to said surveys on the western boundary of the common field at sixteen chains ninety-eight links, intersect the northern line of said school lot and the southern line of the common field lot, survey number one thousand four hundred eighty-three at a line stone fifty-eight chains and twenty-nine links south seventy-five degrees and fifteen minutes east from the common corner to said surveys on the western boundary of the common field, at twenty chains thirty-eight links intersect the line between the common field lots surveys numbered one thousand four hundred eighty three and one thousand four hundred eighty-four at a line stone fifty-seven chains and forty-one links south seventy-five degrees and fifteen minutes east from the common corner to said surveys on the western boundary of the common fields and thirty-nine chains ninety-eight links north seventy-five degrees and fifteen minutes west from the intersection of said line with the southerly boundary of this survey at twenty-two chains at twelve links, intersect the eastern jamb of the main front door to George Emerick's brick house twenty-six links westward of the southeast corner thereof, at thirty chains forty-nine links, intersect the line of the common field lot surveys, numbered one thousand four hundred eighty-four, and one thousand four hundred and ten at a lime-stone fifty-four chains and forty-four links; south seventy-five degrees and fifteen mintes; east from the common corner to said surveys on the western boundary of the common field; at thirty seven chains twenty-three links intersect the line between the common field lots; survey numbered one thousand four hundred ten, and one thousand four hundred eighty-five on the slope of a large sink-hole facing eastward, and at a lime stone fifty-two chains sixty-eight links, south seventy-five degrees and fifteen minutes, east from the common corner to said surveys on the western boundary of the common field, at forty-six chains sixty-six and two-thirds links, equal to sixteen arpens, the place of the corner according to Soulard's call for his measurement of this line; but this falls short of the northern boundary, prolonged south seventy-four degrees and thirty minutes west in continuation of the old ditch which marks the position of said northern line; therefore forty-seven chains twenty-eight links to the intersection of the line of said prolongation of the old northern ditch where set a limestone forty inches long, twelve inches wide and eight inches thick with the smallest, and fourteen inches above the natural surface of the ground for the most western corner of this survey: Thence north seventy-four degrees and thirty minutes, east with the main northern boundary line of this survey, at one chain ninety-seven links, the most southern corner of survey number three thousand two hundred and nine in the name of Gabriel Cerré, at an old large stone at five chains eighty-nine links, inter-

sect the line between the common field lots, surveys numbered one thousand four hundred eighty-five, and three thousand three hundred and six and fifty-seven chains, south seventy-five degrees and fifteen minutes east from the common corner to said surveys on the western boundary of the common field; at six chains twenty-three links the place of the former most western corner of the survey made by Jos. C. Brown of this claim for Louis Labeaume, and numbered two thousand nine hundred seventy-four, at twenty-three chains seventeen links intersect the line between the common field lots, surveys numbered three thousand three hundred and six, and one thousand four hundred eighty-six, at an old stone seventy-four chains, and three links, south seventy-five degrees and fifteen minutes east from the common corner to said surveys on the western boundary of the common field, at twenty-seven chains twelve links a stone, at the intersection of the entire line of Wright street and "Twelfth street," (formerly Seventh street) and at an angle in the eastern side of the latter, at twenty-nine chains and four links a stone, at twenty-nine chains and fifty links a stone, at thirty-one chains sixty-nine links a stone, on the west side of "Eleventh" (formerly Sixth) street at thirty-two chains ninty-one links a stone, on the east side of said Seventh street at thirty-four chains thirty-six links the east side of the old road about the place of the western end of Labeaume's northern ditch, and the northern end of his western ditch at thirty-five chains thirty-four links intersect the line between the common field lots survey numbered one thousand four hundred and eighty-six, and one thousand four hundred and eighty-seven at a lime stone, ninety chains south, seventy-five degrees and fifteen minutes east from the common corner to said surveys on the western boundary of the common field, and from said intersection a sycamore twenty-four inches in diameter bears south seventy-five degrees and fifteen minutes east, distant two and a half links; at thirty-five chains seventy-two links intersect the northwestern boundary line of the city of St. Louis at a point six chains seventy-two links north, twenty-two degrees east from a stone on said city line and on the hill, thirty-seven chains and eighty-six links to the place of the old corner stone, established by Ant. Soulard, found by Jos. C. Brown in the year eighteen hundred and seventeen, and re-established by him in eighteen hundred and thirty-three at this point set a lime stone forty inches long and ten inches wide and four inches thick, thirty inches into the ground; a corner of this survey and of the aforesaid survey of Gabriel Cerre, from which the main upright stem of a sycamore twenty four inches in diameter bears north eighty-five degrees east, distant forty links. Thence north thirteen degrees and thirty minutes west with a line between this survey and the claim of Cerre; at seventy-seven links a set stone two and two-thirds links to the left, and one chain sixty-nine links, a set stone six links to the left; at two chains ninty-four links intersect the north-western boundary line of the city of St. Louis, at a stone ten chains and forty-four

links north, twenty-two degrees east from another stone on said line and on the hill, at four chains seventy-one links intersect the northern boundary line of the St. Louis common field, and of the common field lot, survey number one thousand four hundred and eighty-seven, at a stone ninety-four chains and thirteen links south, seventy-five degrees and fifteen minutes east from the northwestern corner of the common field and of said lot, at five chains thirty-five links a set stone eighteen links to the left, at six chains eighty-eight links to the west side of the northwest prong of a double black oak fifteen inches in diameter, ten chains and fifty links, equal to three arpens six perches, to a corner of this survey in the old bend of the rocky branch, where, on account of the rocky bottom, no corner-stone is set. From the point of this corner, the northwest corner of the southern abutment of the arch of the bridge across the rocky branch on the Bellefontaine road, bears north nine degrees east, distant ten links. For further connection with this corner, which is marked E on the plat, run south twenty-two degrees, west three chains and six links to a point in the centre of the old road at the foot of the hill, thence south one degree, west two chains ninety links the brow of the hill; and at eight chains thirty links intersect the main northerly line of this survey with the centre line of said old road at a point one chain thirty-one links south, seventy-four degrees and thirty minutes west of the intersection of said northerly line of this survey with the line between surveys numbered one thousand four hundred and eighty-six, and one thousand four hundred and eighty-seven.

Return to corner E, and from the meander down the rocky branch as near as practicable, with the centre of the old bed thereof. North seventy-two degrees thirty minutes east at four links intersect the western side of the bridge; nine links south fourteen degrees thirty minutes east from the southern abutment of the arch thereof, at forty-four links, intersect the eastern side of the bridge five links south fourteen degrees thirty minutes east from the southern abutment of the arch, at one chain fifty-three links, a stone set in the old bed and on the right bank of the present bed of the branch.

Thence north forty-two degrees thirty minutes east, at one chain five links a limestone marked "Z" on the top, set in the former bed of the creek on a hillock, seemingly made for turning the water from a stone wall, which is ten and a half links to the eastward. From this stone an elm, thirty inches in diameter at the foot of the aforesaid stone wall, bears north two degrees east, distant sixty-nine links, and on this same course the southern edge of a well is distant eleven links; another elm, ten inches in diameter, bears north forty degrees west, distant thirty-seven and a half links. Thence north three degrees and thirty minutes east, at one chain thirty-two links, a point on the west side of a curve in said stone wall, from which the centre of the north end of the straight part of the wall bears south two degrees east, distant sixty links, and on the same course one hundred

thirteen links further the south end of said wall. Thence north twenty-four degrees thirty minutes west, at eighty links, a point in the water of the branch, four links to the westward from the northern end of said wall. Thence north fifty-five degrees west, with the branch at one chain sixty links, a point on the left edge of the water of the creek. Thence north forty-seven degrees fifteen minutes west, one chain fifty-nine links, a point in the middle of the old bed of the creek two chains north seventy degrees east from the Bellefontaine road. Thence north three degrees fifteen minutes west, at one chain a point on the left bank of the branch. Thence north fifty-one degrees forty-five minutes east, at seventy-three links a point in the branch. Thence south twenty-two degrees thirty minutes east, at three chains thirty-nine links a point. Thence north seventeen degrees thirty minutes east, at fifty-nine links a post on the western side of a house appendant to Ashbrook's pork-house. Thence north at one chain a point in the old bed of the branch. Thence north sixty-four degrees west, at two chains thirty-two links a point in the old bed of the branch. Thence north one degree west, at one chain twenty-six links, the northwest corner of a brick house in the centre of the old bed of the branch, it being two chains fifty-six links south sixty-nine degrees west, from the southwest corner of Dock street and Broadway. Thence north thirty-three degrees forty-five minutes west, at seventy-seven links, intersect the north side of Dock street, two chains seventy three links, south sixty-nine degrees west from the northwest corner of Dock street and Broadway, at ninety-one links a point in the old bed of the branch. Thence north twenty-five degrees thirty minutes east, at one chain a point in a line of Jos. C. Brown's former meanders of the survey of this claim. Thence south eighty-two degrees forty-five minutes east, at one chain ten links a point, thirty and one-third links northward of Dock street. Thence north five degrees forty-five minutes west, at two chains two links a point in the old and present bed of the branch. Thence south seventy-eight degrees thirty minutes east, at sixty-three links a point in the west side of Broadway, one chain ninety-one links north, twenty-one degrees west from the northwest corner of Broadway and Dock streets. Thence south seventy-nine degrees thirty minutes east, at one chain forty-four links a point in the east side of Broadway, one chain fifteen links north, twenty-one degrees west from the northeast corner of Broadway and Dock streets. Thence north eighty-six degrees thirty minutes east, at ninety-five links a point, eighty-six and one-third links north, twenty-one degrees west from the north side of Dock street. Thence north twenty-four degrees east, at sixty-three links a point, one chain thirty-one and three-quarter links north, twenty-one degrees west from the north side of Dock street. Thence north five degrees west of fifty-two links, a point two chains eight links south, sixty-nine degrees west from the west side of Second or Main street. Thence north three degrees east, at one chain ninety-nine links a point, one chain twen-

ty-seven links, south sixty-nine degrees west from the west side of Second or Main street, and two chains forty-five links north, sixty-nine degrees east from the east side of Broadway. Thence north nine degrees forty-five minutes east, at sixty-six links, a point ninety-three and a quarter links south, sixty-nine degrees west from the west side of Second or Main street. Thence north seventy degrees fifteen minutes west, at one chain eighteen links, a point in the division line between Overman and Overfield. Thence south sixty-nine degrees west with the line between Overman and Overfield, at one chain seventy-nine links, a point on the east side of Broadway. Thence north fifty-five degrees fifteen minutes west, at one chain thirty-four links, a point in Broadway. Thence north twenty-seven degrees fifteen minutes east at one chain, a point in the east side of Broadway, fifty-nine links south, twenty-one degrees east from the southeast corner of Broadway and Buchanan streets. Thence north fifty-one degrees and thirty minutes east at one chain ten links, a point in the old bed of the Branch. Thence south sixty-four degrees thirty minutes east, at one chain seventy links, a point in the old bed of the Branch. Thence north sixty-four degrees thirty minutes east, at forty-two links, a point in the old bed of the Branch. Thence north twenty-seven degrees thirty minutes west, at one chain seventy links, a point in the old bed of the Branch. Thence north forty-one degrees thirty minutes east, at one chain forty-five links, a point in the old bed of the branch on the west side of Second or Main street, eight chains thirty-two links, north twenty-one degrees west from the northwest corner of said street and Dock street. Thence south forty-eight degrees thirty minutes, east at two chains sixty-two links intersect the eastern edge of Second or Main Street, at three chains seven links a point in the old bed of the Branch. Thence north eighty-seven degrees thirty minutes east at five chains forty-six links a point at the mouth of the Rocky Branch, the north eastern corner of this survey, and a corner to the City of St. Louis, it being the northern termination of the northwestern boundary line thereof, from this corner, which is marked F on the plat, the northwest corner of Second or Main Street and Dock Street, bear south thirty-seven degrees fifteen minutes west, distant seven chains seventy-one links, and the point of intersection of the aforesaid city line with the southern edge of Dock Street, bears south twenty-two degrees west, distant six chains sixty-one links, which point of intersection is two chains eight links, north sixty-nine degrees east from the S. W. corner of Dock Street and Second or Main Street. From the corner F down the right bank of the Mississippi River, with the meanders thereof, between high and low water mark, south nine degrees east at eight chains sixty-six links a stake. Thence south twenty degrees east at five chains fifty links a point, from which offset north seventy degrees east one chain eighty-three links to the centre of the water of the Rocky Branch as running through the sand beach six chains and sixty-three links to the bluff of the sand beach

seven chains forty-seven links to the waters edge of the Mississippi River—return to the meandering line, at ten chains a post from which the south east corner of a stable bears south forty-two degree west, distant forty-six links, and the upper point of the entrance of the water of the Rocky Branch into the Mississippi River bears south sixty-two degrees thirty minutes east, distant sixteen chains. Thence south thirty-four degrees east at seven chains five links, the eastern extension of Labeaume's northern ditch, from which the corner marked D on the plat bears north seventy-four degrees thirty minutes east, distant nineteen chains seventy-five links at twenty-five chains a stake. Thence south twenty-three degrees east at thirteen chains sixty-seven links, the northeast corner of Robertson's & Patterson's saw-mill at fourteen chains eight links the southeast corner of said mill at twenty chains fifty-seven links the southeast corner of Hendrick's flour mill nineteen links, to the right at twenty-three chains and thirty-five links, the northeast of Cochran's saw-mill thirty chains ninety-five links to the beginning corner.

*Remarks:* The survey of this tract, as made by A. Soulard, in March, 1799, and recorded in "Register D'Arpentage," page 130, a copy of which is attached hereto, represents the area thereof to be 374 arpens, there being $25\frac{30}{100}$ arpens equal to $25\frac{52}{100}$ acres less than found by this survey; but as no notes of Soulard's survey describe the meanders of the Mississippi River, and of the Rocky Branch, the former bounding the tract on the east, and the latter in part on the north, there are therefore no means to ascertain whether the difference, or excess, in the area of this survey over that given by Soulard is owing to a miscalculation by said Soulard, or to the subsequent accretion along the bank of the Mississippi River, since Soulard's operations.

This accretion appears to be rapidly advancing, that portion of the tract eastward of the high bank shown topographically on the foregoing plat the top of which is designated by the dotted lines *a*, *b*, *c*, *d*, *e* and *f*, appears to be the accretion since Soulard's times and contains about fourteen acres. The following is a copy of Soulard's survey above referred to. (Copied on page 31 of this record.)

Reference to the records, books, files and documents from which the data relative to the Labeaume claim, as recited in the caption to this document was obtained, viz: First, In the office of the Recorder of Land Titles, Book C, ps. 337, 338, 339 and 340; Minutes of the old Board, Book No. 1, ps. 515, 517 and 519; No. 4, ps. 502, 505 and 508; No. 5, ps. 183, 184 and 185. Commissioner's Certificates No. 982 and 983. Record of Letters, p. 21 and No. 1162 in the Abstract of Patent Certificates—2nd in the Surveyor General's office—"Register d'arpentage" p. 130. Book of Confirmations returned by the Recorder, page 12, contract of Joseph C. Brown of March, 1817, vol. No. 23, page 47 and 52 of Field Notes of Public Surveys in Missouri, Book C, p. 73, also pages 114 and 115, also pages 193 to 196. Register of Private Surveys, ps. 27 and 81. Instructions to Jos. C. Brown of 2d May, 1833, recorded in Letter Book M, p. 159—Letter

Book G, p. 330. Commissioner's Letters to Surveyor-General of 19th July, 1841, 11th March and 15th Dec. 1847, and 29th July, 1851, and the Surveyor-General's Letter to said commissioner of 1st June and 8th November, 1847, in book M, p. 122 and 290. 3d. In public documents printed by order of Congress, act of Congress of the 2d March, 1805, see volume 11 of United States Statutes at Large, p. 314, act of 3d March, 1807, p. 440. Same volume, act of 13th June, 1812, page 748 of same volume. Confirmation of Labeaume & Brazeau, American State Papers on public lands, vol. 11, edition of 1834, page 593. Statement of the interferences of the surveys of certain lots in the St. Louis common field with this survey, No. 3333 in the name of Louis Labeaume, viz.: First Survey, No. 1487. Concession of 2 by 40 arpens to widow Hebert and survey of the same certified on 23d May, 1772, by Pedro Piernas, Lieutenant-Governor of the Spanish settlement of Illinois, and Martin Duralde, a surveyor duly appointed by said Piernas. Confirmation to widow Hebert's representatives by the 2d section of the act of 29th April, 1816. See Livre Terrien, No. 2, ps. 40, 67 and 68. Bates' Minutes, page 128, and his decisions, p. 4, in the Recorder's office.

Second Survey, No. 1486. Concession of 2 by 40 arpens to Debruisseau, survey and certificate as above, confirmation as above to Debruisseau's representatives, Liv. Ter. No. 2, ps. 39, 67 and 68. Bates' Minutes, p. 127, and his decisions, p. 4.

Third Survey, No. 3306. Concession of 3 by 40 arpens to widow Dodier, survey and certificate as above confirmation to widow Dodier or to her legal representatives by the 1st section of the act of the 4th July, 1836, as per decision No. 300 of the last Board of Commissioners. See Liv. Ter. No. 2, ps. 38, 67 and 68. Minutes of the late Board, book 6, p. 174, and book No. 7, p. 185.

Fourth Survey, No. 1485. Concession of 4 by 40 arpens to Debruisseau, survey and certificate as above. Confirmation to Debruisseau's representatives by the 2d section of the act of 29th April, 1816. Liv. Ter. No. ps. 37, 67 and 78. Bates' Minutes, p. 127, his decisions, p. 4.

Fifth Survey, No. 1410. Jacques Clamorgan, assignee of Ortez, under Gabriel Dodier. Concession of 2 by 40 arpens to Gabriel Dodier, survey and certificate as above, sale by the widow of Gabriel Dodier to John B. Ortez the 10th January, 1810. Sale by Ortez and wife to Jacq's Clamorgan, the 14th of April of the same year, confirmation to Gabriel Dodier's representatives by the 2d section of the act of the 29th April, 1816. Also confirmation to Gabriel Dodier's legal representatives by the act of the 13th June, 1812, as per proof before Recorder Hunt on the 15th August, 1825, pursuant to the 1st section of the act of the 26th May, 1824, Livre Terrien, No. 2, pg's 35, 67 and 68, Book F, p's 90 and 91. Bates' Minutes, p. 74 and 128, and his Decisions, p. 1. Also Hunt's Minutes Book, No. 2, p. 147.

Sixth Survey, No. 1484. Concession of 3 by 40 arpens to Paul

Gregoire Kiercerau; survey and certificate as above. Confirmation to Paul G. Kiercerau's representatives, by the 2d section of the act of 29th April, 1816. See Livre Terrien, No. 2, pp. 34, 67 and 68; Bates' Minutes, p. 127; his Decisions, p. 3.

Seventh Survey, No. 1486. Concession to Joseph Taillon of 1 by 40 arpens; survey and certificate as above. Confirmation to Joseph Taillon's representatives, by the 2d section of the act of the 29th April, 1816. See Livre Terrien, No. 2, pp. 33, 67 and 68; Bates' Minutes, p. 127, his Decisions, p. 3.

Eighth Survey, No. 380. (Of St. Louis lands.) A piece of vacant land of $19\frac{88}{100}$ acres, designated and set apart to the public schools of the city of St. Louis, by the Surveyor-General, on the 31st March, 1845, pursuant to the acts of Congress of the 13th June, 1812, 26th May, 1824, and 27th January, 1831, and the instructions of the Commissioner of the General Land Office of the 15th January and 18th February, 1839.

Ninth Survey, No. 1482. (General series.) Concession of one by forty arpens to Jean Baptiste Sarpey; survey of the same certified as above, by Durald & Prerinas. Confirmation to Jean B. Sarpy's representatives, by the 2d section of the act of 29th April, 1816; also confirmation by the act of 13th June, 1812, as per proof before Recorder Hunt, on the 22d June, 1825, to John Baptiste Sarpy's legal representatives. See Livre Terrien, No. 2, pp. 32, 67 and 68; Bates' Minutes, p. 127, and his Decisions, p. 3; Hunt's Minute Book, No. 2, p. 40, and his list, No. 506.

Tenth Survey, No. 1481. Concession of 1 by 40 arpens to Vien; survey and certificate as above. Confirmation to Vien's representatives, by the 2d section of the act of 29th April, 1816. See Livre Terrien, No. 2, pp. 31, 67 and 68; Bates' Minutes, p. 127, and his Decision, p. 3.

Eleventh Survey, No. 1480. Concession of 1 by 40 arpens to Morreau; survey and certificate as above. Confirmed to Morreau's representatives by the 2d section of the act of 29th April, 1816. See Livre Terrien, No. 2, p. 30; Bates' Minutes, p. 127, and his Decisions, p. 3.

Twelfth Survey, No. 1479. Concession of 1 by 40 arpens to Lirette; survey and certificate as above. Confirmation to Lirette's representatives by the 2d section of the act of 29th April, 1816. See Livre Terrien, No. 2, p. 29; Bates' Minutes, p. 127, and his Decisions, p. 3.

Thirteenth Survey, No. 734. Notice of claim by John Mullanphy to 80 arpens of land "as an improvement right under the assignment of Baptiste Provenchere." Deed from John Baptiste Provenchere to John Mullanphy, dated 26th August, 1805, confirmation to John Mullanphy, assignee of John Baptiste Provenchere, on the 1st June, 1811, by the old Board as per certificate No. 734, under the second section of the act of the 3d March, 1807, and survey ordered according to possession. See book A, ps. 12 and 57;

Minutes of the old Board, book No. 4, p. 197; No. 5, p. 165; and certificate No. 734.

The United States surveys of the aforesaid St. Louis common field lots were executed in the month of October, 1826, by Rene Paul, Deputy Surveyor, under instructions from the Surveyor-general, of the 18th September of the same year.

*Office of the Surveyor-General for Illinois and Missouri, St. Louis*, Feb. 26, 1852.

The foregoing record of the plat and description of survey, number three thousand three hundred and thirty-three, on pages seventeen, eighteen, ninety, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, and twenty-seven, of this book, has this day been examined and is hereby approved.

(Signed) M. LEWIS CLARK,
*Surveyor-General.*

*Office of the Surveyor General for Illinois and Missouri, St. Louis*, Feb. 26, 1852.

The foregoing plat and description of survey, number three thousand three hundred and thirty-three, together with the caption, remarks, statements, and certificate of approval thereto, are correctly copied from page 17 to 27 (both in part inclusive) of Record book F, of the surveys of confirmed private claims in Missouri, in this office.

M. LEWIS CLARK,
*Surveyor-General.*

2. U. S. Survey, No. 3332, to Brazeau's representatives, approved February 26, 1852, to the reading of which the plaintiff objected, but the court overruled his objections, and allowed said survey to be read, and the plaintiff duly excepted to the opinion of the court.

Survey No. 3332. Plat and description of the survey of a tract of sixteen arpens, equal to thirteen acres and sixty-one hundredths of an acre of land, executed by William Millburn, Deputy Surveyor, in the month of December, 1851, under instructions from the Surveyor-general for the District of Illinois and Missouri, dated the 22d August of the same year, which instructions were issued under the authority of the letter from the Commissioner of the General Land Office, of the 29th July, 1851, containing the decision of the Secretary of the Interior, of the 25th of the same month and year, which directs the surveys of the claim of Louis Labeaume and of Joseph Brazeau. These two claims of Brazeau and Labeaume made the principal subject of the Surveyor-general's report of the 1st June and 8th November, 1847, to the Commissioner of said General Land Office. The tract herein platted and described, of four by four arpens, being that part of the tract of four by twenty arpens conceded to Joseph Brazeau, on the 10th and 25th June, 1794, by Zenon

Trudeau, Lieutenant-Governor of Upper Louisiana, aad reserved by said Brazeau at his sale of 4 by 16 arpens on the 9th May, 1798, to Louis Labeaume of his said concession—see page 338, 339, 340, of book C, in the office of the United States Recorder of Land Titles. By the Board of Commissioners appointed under the 5th section of the act of Congress, approved on the 2d March, 1805, entitled "An Act for ascertaining and adjusting the titles and claims to land within the territory of Orleans and the district of Louisiana," four arpens of land were confirmed to Joseph Brazeau, agreeably to the reserve made at the aforesaid sale, and in virtue of the concession to him by the Lieutenant-Governor Trudeau, under the 4th section of the Act of Congress of the 3d March, 1807, entitled "An Act respecting claims to land in the territories of Orleans and Louisiana," for which confirmation the said Board issued Certificate No. 983, see American State Papers of Public Lands, vol. 2, p. 593, edition of 1834; Minutes of the Board, No. 4, p. 505, and No. 5, p. 184.

T 45 N R 7 E 5th pl. Mr.

[For plat see original, page 85.]

Description: Beginning at a stake set on the right bank of the Mississippi River, the lower and most eastern corner of a tract of land of three hundred and seventy-four arpens, surveyed on the 2d day of March, one thousand seven hundred ninety-nine, by Antoine Soulard, Spanish Surveyor-General of Upper Louisiana, for Louis Labeaume, in virtue of an order from the Lieutenant-Governor, Zenon Trudeau, dated the 15th February, 1799, and now numbered three thousand three hundred thirty-three of the United States, surveys of private confirmed claims in Missouri; said lower corner of the Labeaume, tract being the upper and most northern corner of this survey of Joseph Brazeau, and from it the remains of a stone house bears south fifty seven degrees and forty-five minutes west, distant one hundred and twenty-nine links; thence south twenty-three degrees east along the right bank of the Mississippi River, the easterly boundary of this survey at eleven chains sixty-six links and two-thirds links, equal to four arpens, a stake set in the rear of the workshop attached to Patterson's saw-mill, the lower and most eastern corner of this survey; thence south seventy-four degrees and thirty minutes west with the southerly boundary of this survey, it being sixty-eight links southward of the northern boundary line of a tract surveyed for Peter Chouteau and numbered six hundred and seventy-one, at one chain seventy-nine and a half links, intersecting the west front of the aforesaid work-shop attached to Patterson's saw-mill, and ten links northward of the southwest corner thereof, at eleven chains twenty-six and two-thirds links a limestone fifteen inches long set into the ground so deep, eight inches wide and six inches thick, the most southerly corner of this survey from which the stone at the southwest corner of Second street and

East Brooklyn street of the city of St. Louis bears south twenty-eight degrees and thirty minutes east, distant fifty-five links, and the stone at the northeast corner of said streets bears north fifty-seven degrees and fifteen minutes east, distant one hundred and eleven links. Thence north twenty-three degrees west with the westerly boundary of this survey, at sixty-eight links intersecting the northern boundary of Peter Chouteau's survey (No. 671), three chains and twenty-eight links eastwardly from the northwest corner of said survey, at nine chains fifty-eight and two-third links intersecting the east boundary of the St. Louis common field and of the field lot confirmed to Gabriel Dodier's representatives' survey, number one thousand four hundred and ten, at a limestone twenty-one links northward of the southeast corner of said lot of Dodier, at eleven chains sixty-six and two-third links, equal to four arpens; a limestone twelve inches long, ten inches wide, and four inches thick, set ten inches into the ground at Louis Labeaume's southern ditch, being on the southern boundary of his tract survey, numbered three thousand three hundred and thirty-three. Thence north seventy-four degrees and thirty minutes east with the old ditch, Labeaume's southerly boundary, and the northerly boundary of this survey, at seventy-six and two-thirds links, intersecting the eastern boundary of the St. Louis common field and Dodier's lot, at an old stone two chains twelve and one-third links northwardly from the last-mentioned intersection on said common field line, and two chains thirty-three and one-third links from the southeast corner of said Dodier's lot, at eleven chains seventy-six and two-thirds links the beginning corner. This survey being situated in township forty-five north of the base line, range seven east of the fifth principal meridian.

Statement of the surveys of private claims which interfere with survey No. 3332, of Joseph Brazeau, before described, to wit: 1st survey No. 671 of Peter Chouteau, founded on a concession of 16th October, 1799, by Lieutenant-Governor C. D. Delassus, to Pierre Chouteau. The grant was surveyed on the 10th day of March, 1803, by Antonie Soulard, as certified by him on the 17th June of the same year, to the amount of 133 arpens, but said Chouteau, on the 25th January, 1809, renounced before the old Board of Commissioners all claims to 39 arpens and 99 perches of the land claimed which interferes with land heretofore surveyed, leaving the quantity at present claimed 93 arpens and 1 perch. "In consequence thereof, the said Board confirmed to said Pierre Chouteau 93 arpens and 1 perch on the 29th May, 1811, as per Certificate No. 671, under the 4th section of the act of the 3d March, 1807, and they ordered that the same "be surveyed so as not to interfere with the field lots of the Little Prairie adjoining the town of St. Louis. This confirmation was surveyed by the United States as No. 671. It was duly recorded and a transcript survey was returned to the Recorder of Land Titles on the 4th November, 1822; that officer issued Patent Certificate No. 289, for said survey, No. 671, on the 28th November, 1823, which was

succeeded by a patent on the 26th March, 1824, see Book C, p's 377, 378, and 379, also Minutes of the Board of Commissioners, Book No. 3, p's 443 and 475; No. 5, p. 159, and Confirmation Certificate No. 671 in the Recorder's office; and see Record Book B, p. 221; Register of Private Surveys in Missouri, p. 19. The Letters of the Commissioners of the General Land Office of the 19th July, 1841; 11th March and 15th December, 1847, to the Surveyor-General. And the Surveyor-General's Letters to the said Commissioners of the 10th June and 8th November, 1847, all in the Surveyor-General's office; also American State Papers, vol. 2, p. 586, edition of 1834.

2. Survey No. 1410. Jacques Clamorgan, assignee of Ortez, under Gabriel Dodier, a concession of 2 by 40 arpens, bounded south by Kiercerau, and north by Debruisseaux to Gabriel Dodier, and survey of the same certified on 23d May, 1772, by Pedro Piernas, Lieutenant-Governor of the Spanish Settlements of Illinois, and Martin Duralde, a surveyor duly appointed by said Piernas. Sale of Margaret, widow of Gabriel Dodier to John B. Ortez, the 10th January, 1810. Sale by Ortez and wife to Jacques Clamorgan, the 14th April, 1810, confirmation to Gabriel Dodier's representatives by the act of 29th April, 1816. Also confirmation to Gabriel Dodier's legal representatives by the act of 13th June, 1812, as per proof before Recorder Hunt on the 13th August, 1825, pursuant to the first section of the act of the 26th May, 1824, surveyed by the United States in October 1826, as No. 1410, but no transcript survey as yet returned to the Recorder for a certificate of confirmation. See Livre Terrien, No. 2, p's 35, 36, 67 and 68. Book F, p's 90 and 91. Bates' Minutes, p's 74 and 128, and his Decisions, p. 1. And Hunt's Minutes Book No. 2, p. 147, in the Recorder's office, see Book of Field Notes of Private Surveys in Missouri, No. 18, and Hunt's list, No. 666 in the office of the Surveyor-General, also American State Papers, vol. 2 p. 276, edition of 1834.

3d. The Brazeau survey interferes also with survey No. 2571, dated March 1822, of a location of 160 acres, made on the 7th April, 1817, by Thos. Rector and Elias Barcroff, for Henry Peyroux, under Francis Hawelin, to whom had been issued on the 30th November, 1815, Certificate No. 184, for the said 160 acres, under the act of Congress of the 17th Feb'ry, 1815, entitled an act for the relief of the inhabitants of the late county of New Madrid, in the Missouri Territory, who suffered by earthquakes. It appears that survey No. 2571 was returned to the Recorder on the 24th January, 1824, and that Patent Certificate No. 408 was issued on the 27th April, 1833, and transmitted to the General Land Office. But the Commissioner having decided in his letter of the 15th January, 1839, to the Surveyor-General that this tract not being land, the sale of which was authorized by law, Peroux's claim to it must be regarded as invalid; no notice is therefore taken of said survey, No. 2571. See Register of New Madrid Locations in the Recorder's office, Book A, p. 105. Register

of Private Surveys in Missouri, p. 70, and the aforesaid letter of the 15th January, 1839, in this office.

OFFICE OF THE SURVEYOR-GENERAL OF ILLINOIS AND MISSOURI,
*St. Louis*, February 26th, 1852.

The foregoing plat description of survey, numbered three thousand three hundred and thirty-two, recorded on page fourteen, fifteen, sixteen and seventeen of this book have been examined, and are hereby approved.

(Signed) M. LEWIS CLARK,
*Surveyor-General.*

OFFICE OF THE SURVEYOR-GENERAL FOR ILLINOIS AND MISSOURI.
*St. Louis*, February 26, 1852.

The foregoing plat and description of survey, number three thousand three hundred and thirty-two, the caption statement of interference and certificate of approval thereto, are correctly copied from page 14, 15, 16 and 17 of Record Book F, for the surveys of private confirmed claims in Missouri in this office.

M. LEWIS CLARK,
*Surveyor-General.*

(*Patent to Louis Labeaume or his legal representatives.*)

3. Patent, U. S., to Louis Labeaume or his legal representatives, dated March 26, 1852, to the reading of which and special to the reading of all that part contained in the recital included within marginal pencil-marks, made by plaintiff's counsel, the plaintiff objected as being illegal and incompetent testimony, but the court overruled said objection, and allowed the whole of said patent and recitals to be read; and to the opinion of the court in overruling said objection the plaintiff duly excepted at the time.

The United States of America. To all to whom these presents shall come, greeting: Whereas there has been deposited in the General Land Office a patent certificate, number one thousand two hundred and forty-nine of the Recorder of Land Titles at St. Louis, Missouri, whereby it appears, that on the fifteenth day of February, one thousand seven hundred and ninety-nine, Zenon Trudeau, Lieutenant-Governor of the Spanish province of Upper Louisiana, made a concession of about three hundred and sixty arpens of land to Louis Labeaume; and that, on the 2d day of March, of the same year, it was surveyed by Antoine Soulard, surveyor of the same province, to the amount of three hundred and seventy-four arpens, situated three miles north of the town of St. Louis, and that the Board of Commissioners appointed in pursuance of the fifth section of the act of Congress, approved the second day of March, one thousand eight hundred and five, entitled "An act for ascertaining and adjusting the titles and claims to land within the territory of Orleans and the district of Louisiana," confirmed on the twenty-second

day of September, one thousand eight hundred and ten, three hundred and fifty-six arpens to Louis Labeaume, agreeably to the aforesaid concession, and that on the fourteenth day of June, one thousand eight hundred and eleven, they issued their certificate, number nine hundred and eighty-two, for that confirmation under the fourth section of the act of Congress, approved the third day of March, one thousand eight hundred and seven, entitled "An act respecting claims to land in the territories of Orleans and Louisiana;" and whereas it further appears, from the aforesaid patent certificate, that pursuant to the decision of the twenty-fifth day of July, one thousand eight hundred and fifty-one, of the Secretary of the Interior, those claiming under Labeaume are entitled to a patent for the land according to Soulard's survey and Labeaume's possession; and that the lines of the said Soulard's survey have been retraced in conformity with the decision referred to, as appears from the plat and transcript of survey, numbered three thousand three hundred and thirty-three, which accompany said patent certificate. The said plat and transcript survey having been authenticated by M. Lewis Clark, Surveyor-General for Illinois and Missouri, under date twenty-sixth of February, one thousand eight hundred and fifty-two; which said survey, number three thousand three hundred and thirty-three, contains three hundred and thirty-nine acres and sixty-eight hundredths of an acre, being situated in township forty-five, north of the base line of range seven east of the fifth principal meridian in the State of Missouri, and which is platted and described as follows, to wit: (Plat and description copied on page 85 of this record in U. S. Survey, No. 3333.)

Now know ye, that there is therefore granted by the United States unto the said Louis Labaume or his legal representatives, and to his or their heirs, the tract of land as described in the aforesaid survey, number three thousand three hundred and thirty-three, saving and reserving any valid adverse rights which may exist to any part thereof: To have and to hold the said tract of land according to the said survey, number three thousand three hundred and thirty-three, unto the said Louis Labeaume, or his legal representatives, and to his or their heirs and assigns forever, with the saving and reservation aforesaid.

In testimony whereof, I, Millard Fillmore, President of the United States, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed. Given under my hand at the city of Washington, this twenty-fifth day of March, in the year of our Lord one thousand eight hundred and fifty-two, and of the Independence of the United States the seventy-sixth.

By the President,

[SEAL.] MILLARD FILLMORE.

By ALEX'D M'CORMICK, *Secretary.*

JOSEPH S. WILSON,

*Acting Recorder of the General Land Office ad interim.*

Recorded, vol. 11, pages 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, and 171.

*Patent, U. S., to Joseph Brazeau.*

4. Patent of the U. S. to Joseph Brazeau, or his legal representatives, dated March 26, 1852.

The United States of America to all to whom these presents shall come, greeting: Whereas there has been deposited in the General Land Office a patent certificate, numbered one thousand two hundred and fifty of the Recorder of Land Titles at St. Louis, Missouri, whereby it appears that, on the twenty-second day of September, one thousand eight hundred and ten, the Board of Commissioners appointed in pursuance of the fifth section of the act of Congress, approved the second day of March, one thousand eight hundred and five, entitled "An act for ascertaining and adjusting the titles and claims to land within the territory of Orleans and the district of Louisiana," confirmed to Joseph Brazeau four arpens of land, situated about three miles north of the town of St. Louis; and that on the fourteenth day of June, one thousand eight hundred and eleven, they issued their certificate, numbered nine hundred and eighty-three, for the confirmation, as per the fourth section of the act of Congress of the third of March, one thousand eight hundred and seven, entitled "An act respecting claims to land in the territory of Orleans and Louisiana; and that, from a careful examination of the records, it is the opinion of the Recorder's office, that the four arpens of this confirmation were intended to mean four arpens in front along the Mississippi River, by four arpens in depth towards the West, or sixteen superficial arpens," and whereas it further appears from the aforesaid patent certificate, that the said land has been surveyed in strict conformity with the decision of the twenty-fifth of July, one thousand eight hundred and fifty-one, of the Secretary of the Interior, as appears from the plats and transcript of survey number three, three thousand three hundred and thirty-two, which accompany said patent certificate, the said plat and transcript having been authenticated by M. Lewis Clark, Surveyor-general for Illinois and Missouri, under date the twenty-sixth of February, one thousand eight hundred and fifty-two, which survey, number three thousand three hundred and thirty-two, contains thirteen acres and sixty-one hundredths of an acre, equal to sixteen arpens of land, being situated in township forty-five, north of the base line of range seven, east of the fifth principal meridian in the State of Missouri, and which is platted and described as follows, to wit: (Plat and description copied on page of this record in U. S. Survey, No. 3332.) Now know ye that there is therefore granted by the United States, unto the said Joseph Brazeau or his legal representatives, and to his or their heirs, the tract of land as described in the aforesaid survey, number three thousand three hundred and thirty-two, saving and reserving any valid adverse rights which

may exist to any part thereof, to have and to hold the said tract of land accordingly to the said survey, number three thousand three hundred and thirty-two, unto the said Joseph Brazeau, or his legal representatives, and to his or their heirs and assigns forever, with the saving and reserving aforesaid. In testimony whereof, I, Millard Fillmore, President of the United States, have caused these letters to be made patent, and the seal of the General Land-office to be hereunto affixed.

Given under my hand at the city of Washington, this twenty-fifth day of March, [SEAL] in the year of our Lord one thousand eight hundred and fifty-two, and of the Independence of the United States the seventy-sixth. By the President, Millard Fillmore, by M. P. Fillmore, Secretary, Jos. S. Wilson Acting Recorder of the General Land-office ad interim. Recorded vol. 11, pages 172, 173, 174, 175, 176, 177, 178. In connection with this patent it appeared in evidence that this patent was sent from the General Land Office at Washington, to the Recorder of Land Titles in Missouri, and had remained with the Recorder ever since, and he now produced it in court in obedience to a subpœna duces tecum, issued on the application of defendant; that B. A. Hill, Esq., counsel for the defendant, had before this applied to the said recorder for said patent, to be delivered to the representatives of Joseph Brazeau, but the recorder refused to deliver to them; that John Maguire, who at the time said patent was issued, and ever since claimed to be the legal representative of said Joseph Brazeau, refused to take said patent, and disavowed any right, claim or title under it, he having protested against the issuing of a patent certificate on survey No. 3332. The plaintiff objected, on this fact appearing, to the reading of said patent in evidence, on the ground that the same was incompetent and irrelevant, but the court overruled the plaintiff's objections, and said patent was read and the plaintiff at the time duly accepted.

LOUIS LABEAUME.

Etat de terres que reclame Louis Labeaume, dont il a remis les titres, concessions et plans, ventes et certificats de ventes au Bureau du Recorder, pour par lui être enrégitré suivant la loy du Longre's passée le 2 Mars de l'année 1805. Pl. No. 1, Ls. Labeaume concession de 8000 arpens, a lui concedée le 18 de Janvier, 1798, etable depuis cette époque, et ratifée par Mr. l'Intendant le 5 de Juillet, 1802. Titre complet No. 2 Ls. Labeaume 374 arpens de terre, concedée partie Jh. Brazeau le 20 Juin, 1794, et partie au Sr. Labeaume le 15 Fevrier, 1799, établié et cultivée depuis ces deux epoques. St. Louis, le 26 Fevrier, 1806.

LOUIS LABEAUME.

*No.* 2.

Mons. Don Zenon Trudeau, Capt. au Regt. fixe de la Louisiane, Lieut.-Gouverneur et Commandt.-en-chef de la partie occidentale

1218.

des Illinois. Supplie humblement Joseph Brazeau demeurant en cette ville de St. Louis et a l'honneur de vous exposer qu'il desirait obtenir dans la partie du Nord de cette ville, une terre située au deta du pied de la monticule nommée La Grange de Terre, de la largeur de 4 arpens qui s'etendrait des ecors du Mississippi en allant dans la partie du O. quart S. O. sur environ 20 arpens de hauteur qui commenuront au pied du coteau ou se trouve la susdite grange de terre, en remontant jusq'aux environs du Ruisseau de Pierre dans la partie du N. N. O. pour que la susdite terre demandée soit bornée due coté de l'Est, par les ecors du Mississippi, et les autres cotés en partie par le Domaine de S. M. et en partie par des terres réunies au dit Domaine sur lesquelles passe actuellement la présente concession a fin que le suppliant y puisse re colter duin foin pour les animaux et l'ensemencer; et le suppliant necessera de rendre grace à vos bontés. St. Louis ce 1st Juin, 1794.

(Signed) JOSEPH BRAZEAU.

Nous Lieutenant-Gouverneur et Commandant-en-Chef de la partie occidentale des Illinois apres avoir examine que la terres demandée appartient au Domaine de S. M. pour avoir été en partie réunie au Domaine de S. M. par l'abandon que les proprietaires anciens en ont fait et l'autre partie n'ayant jamais été concédée, et que le tout ne porte prejudice a personne: Je certifie en consequence avoir mis en possession le Sr. Joseph Brazeau de la portion de terre désignée par sa Requête ayant 4 arpens de front sur 20 arpens dehauteur, qui s'etendant dans la partie du N. N. O. depuis le pied du coteau oú est située La Grange de Terre, en remontrant jusqu'aux environs du Ruisseau de Pierre borne d'un cote par le ecors du Mississippi et les, cotes opposés par des terres non concedes sa réunies au Domaine de S. M. et les deux extremities bornées du coté du N. N. O. par les environs du Ruisseau de Pierre et l'autre située du coté du S. S. E. sera bornée par la concession accordée a la nommée Esther, mulatresse libre; et pour en constator. Nous avons delivré le present pour servir, en la ville de St. Louis, ce 10 de Juin de l'année 1794.

(Signed) ZENON TRUDEAU.

Don Zenon Trudeau, Capitaine au regiment fixe de la Louisiane, lieutenant-gouverneur et commandant-en-chef de la partie occidentale des Illinois, en consequénce de la demande a nous faite par le Sr. Joseph Brazeau, habitant en cette ville de St. Louis, par sa requété en date du 1er de ce mois et aprés l'avoir mis en possession Nous même suivant l'acte que Nous avons dressé ci devant le 10 du meme moi, Nous avons concédé et concédons au dit. Sr. Joseph Brazeau, a titre deproprieté pour lui, ses hoirs ou ayant cause ou tous autres representans ses droits, la portion de terre ci devant consistant en la quantité de 4 arpens de front sur 20 arpens de hauteur, située dans le Nord de cette ville, qui commenceront au de lâ de la montêe nommée la grange de terre, sétendant dans la partie du N.

N. O., jusqu'aux environs du Ruisseau de Pierre, borné d'un coté par les ecors du Mississippi et le coté opposé par des terres réunies au domaine de S. M. sur lesquelles passe la presente concession, dont un des bouts doit être borné par la concession de la nommée Ester mulâtresse libre, afui que le Sr. Brazeau puisse y cultiver le foin dont il a besoin pour ses animaux, ou pour ensemenier ; demeurant sujette à toutes les charges loix on impositions qu'il plaira á S. M. d'imposer à l'avenir. Donné en la ville de St. Louis, le 25 de Juin de l'année 1794.

(Signed) ZENON TRUDEAU.

Nous, Zenon Trudeau, Lieut. Gouverneur Commandant-en-Chef, civil et militaire de la Haute Louisiane, certifions que la concession de la terre ci contre à la reserve de 4 arpens a été vendue, cédée et transportée a Louis Labeaume par un acte passé par devant Nous le 19 de May de cette presente année et deposé dans les archives de ce poste. St. Louis, des Illinois le 12 May, 1798.

ZENON TRUDEAU.

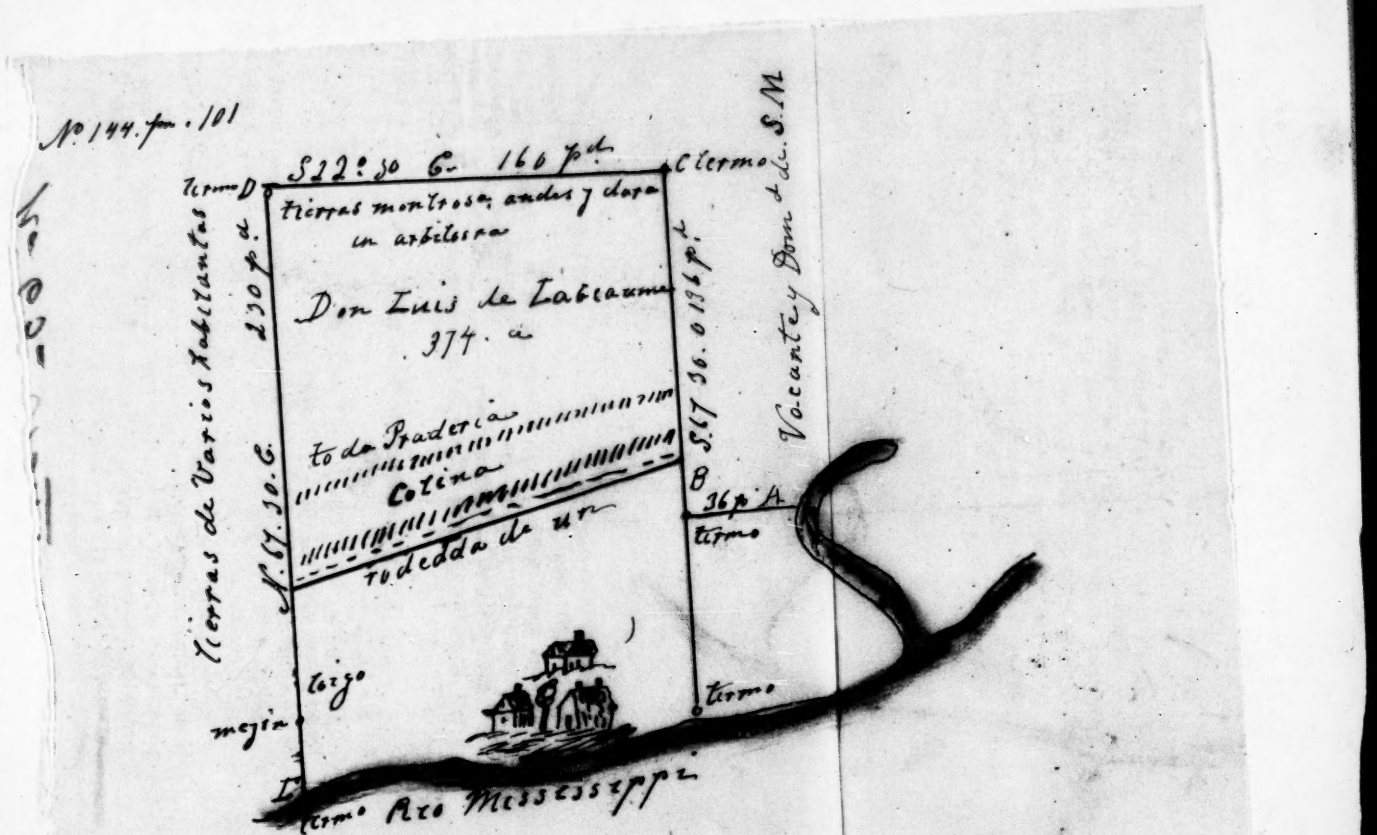
*2de Concession.*

D. Zenon Trudeau, Lieutenant-Gouverneur Commandant-en-Chef, civil et militaire de la Haute Louisiane, Monsieur, Louis Labeaume, avec tout le respect qui vous est du a l'honneur de vous représénter qu'il a acquis du Sr. Joseph Brazeau, habitant de cette ville une portion de terre à lui concédé, le 20 du mois de Juin de 1794 ; cette terre ayant trés peu deprofondeur, et le suppliant ayant presque tout mis en culture, nécessité d'ailleurs de faire des établissements pour la manutention de manufactures qu'il Nous aproposé ; demande qu'il vous plaise lui accorder 360 arpens de terre y compris celle que le suppliant a acquise du Sr. Brazeau, c'est a dire 20 arpens de profondeur, depuis le Mississippi en remontant le Ruisseau de Pierre, O. $\frac{1}{4}$ S. sur 16 arpens de front, le long du Mississippi, a prendre de la des cente du chemin dans le Ruisseau, ce qui est le même front de la terre du suppliant, l'angle formé par la perpendiculaire du chemin au fleuve, par le Ruisseau et par le fleuve complétera a par prés la terre demandée par le suppliant, qui à Monsieur, l'honneur de vous observer que cette terre est absulement dépouroue de bois et ne peut servir qu'à des Pâturages dont le suppliant a besom pour l'entre tien des animaux qu'il est obligé d'avoir pour ses établissements.

(Signed) L. LABEAUME.

*St. Louis*, 15 de Fevrero de 1799.

Constandome que la tierra que se solicita se halla totalmente des provieda de madera y lena, que es montrosa y cortuda de baramos y impropria para et cultivo, no puiendo servinque para el pasto de alguros animales de que se pue de necessitar para in utilidad d'el olino (molino) que se propose informo el Sor. Gobr. Gen'l. que la concession


Nº 144. fon. 101
S 22º 30 G. 160 pds.
Tierras montuosas andas y dora
en arboleda
Don Luis de Labeaume
374. a
Toda Pradería
Colina
Toda Pradería
S 67 30 G. 230 pds.
S 67 30 G. 196 pds.
Vacante y Dom. de S.M.
Tierras de Varios Habitantes
36 pds.
Arº Mississippi

que se pide sera favorable al interesa do como Iqualmente a est a villa sin prejuicio a nadie y considando esta circumstancias el Agx. Dn. Ant. Soulard pondra el expresado interesado en posecion y formalisara su apeo a continuacion para servir a solicitar d'el mismo Senr. Gobr. Genl. el titulo in forma que se desca.

(Signed) ZENON TRUDEAU.

*Nota.*—Los mojones de Piedras dispuestos de 20 a de distincia entre ellos, con herrumbre a los pies, to dos los arboles que se Hallaron fueron marqua dos de muescas Lib. A, fo. 8, N. 13.

Vacant 7 Dominio de S. M.

[For plat see original page, 101.]

Dn. Antonio Soulard Agor Par de los Establi's de la alta Louisiana, certifico que el Dos de Marzo de'l presente anno (in virtud d'el decreto que autrade d'el Sen'r D. Zenon Trudeau, Tenente de Gobe'r de Estos Estab'l), me ha transferido a la tierra de D. Louis de Labeaume para tomar in ella las medidas di agrimensura, arregladas a supedimiento de 374 a planos de puperficies, aijas medidas se han tomado en presencia del proprietario y de los vecinos linderos, con la medida de Paris de 18 pies de largo, segon comtumbre adoptada en estra Prov'a de Luis'a—cuya tierra se halla situada a 3 m, en el N. de esta Villa de St. Louis, lindando por el lado del N. con la orilla del arroyo de Pierre, y por el Dom'o de S. M., porel del S. con las tierras de varios habitantes, por el E. con el Rio Mississippi y por el O con las tierras vacantes del Dominio Real, y para que conste donde combenga, le doy el presente con el plano figurativo, que precede en el equal se indican las dimensiones y limites naturales y artificiales de dicha tierra. En St. Louis de los Illinois a 10 de April del anno de 1799.

Sig: ANTOINE SOULARD, Agr. Part.

See Record Book C, pages 338, 339, and 340.

*September* 3d, 1806.

Board met agreeably to adjournment. Present the Hon. John B. C. Lucas and James L. Donaldson, Esq'rs. Louis Labeaume claiming 374 arpents of land situate on the Mississippi, a distant of about two miles from the town of St. Louis, produces a concession (duly registered) from Zenon Trudeau, for four by 20 arpens, dated the 20th June, 1798, (25th June, 1794) granted to one Joseph Brazeau, and another concession from said Zenon Trudeau to claimant for the said 374 arpens, including the said 4 by 20 arpens dated the 15th Febuary, 1799, a survey of the same, taken the 2d March, and certified the 10th of April, 1799, together with a certificate by Zenon Trudeau, of the sale of the said 4 by 20 arpens by said Joseph

Brazeau, reserving to himself 4 arpens in superficies, said certificate dated the 12th May, 1798.

Hyacinthe St. Cyr being duly sworn says, that he, said Joseph Brazeau, the said tract of 4 by 20 arpens, and cultivated the same in the years 1794, '95, and '96; that having sold the same to claimant in year '97, put a tenant on the same, who actually cultivated it until the year 1799, when claimant moved on it; that he was then the head of a family, and did prior to and on the first day of October, 1800, inhabit and cultivate the same, and has continued on it to this day. The claimant abandoning his right to the aforesaid concession of 4 by 20 arpens, and claiming immediately under the second, to wit: that for three hundred and seventy-four. The Board reject the same, the said concession not being duly registered. The Board adjourned to to-morrow, 9 o'clock A. M.

See Minutes of old Board-book, No. 1, page 515, 517 and 519.

(*Proceedings of Board of Commissioners of Claims, by Louis La Beaume.*)

*Friday*, September 22, 1810.

Board met. Present, John B. C. Lucas, Clement B. Penrose and Frederick Bates, Commissioners.

Louis La Beaume claiming 374 arpens of land: See Book No. 1, page 517. The Board confirm to Louis La Beaume three hundred and fifty-six arpens, and four arpens to Joseph Brazeau, and order that the same be surveyed agreeably to concession from Zenon Trudeau to Louis La Beaume, and as respects the four arpens, agreeably to a reserve made in a sale from Joseph Brazeau to said Louis La Beaume, recorded in Book C, page 339, of the Recorder's office. Board adjourned till Wednesday next, 3 o'clock P. M.

J. B. C. Lucas, Clement B. Penrose, Frederick Bates: See Minutes of the old Board, No. 4, pages 502, 505 and 508.

*Friday*, June 14, 1811.

Board met. Present, John B. C. Lucas, Clement B. Penrose and Frederick Bates, Commissioners.

Certificate No. 982, Louis La Beaume, Book 4, 505: survey at expense of the United States. Certificate No. 983, Joseph Brazeau, Book 4, No. 505: survey at expense of the United States.

Board adjourned till to-morrow 8 o'clock A. M. John B. C. Lucas, Clement B. Penrose, Frederick Bates: See Minutes of the old Board, Book No. 5, p. 183, 184, 185, Louisiana.

*Commissioners' Certificate, No.* 982.

*June* 14, 1811.

We, the undersigned Commissioners for ascertaining and adjusting the titles and claims to lands in the Territory of Louisiana, have de-

cided that Louis La Beaume, original claimant, is entitled to a patent under the provisions of the Fourth Section of an Act of Congress of the United States, entitled "An Act respecting claims to lands in the Territories of Orleans and Louisiana," passed the third day of March, one thousand eight hundred and seven, for three hundred and fifty-six arpens of land, situate in the District of St. Louis, on the Mississippi, and order that the same be surveyed agreeably to a concession from Zenon Trudeau to Louis La Beaume: Recorded in Book C, page three hundred and thirty-nine of the Recorder's office, by virtue of a concession or order of survey from Zenon Trudeau, Lieutenant-Governor.

John B. C. Lucas, Clement B. Penrose, Frederick Bates, Louisiana.

*Commissioners' Certificate*, No. 983, June 14th, 1811.

We, the undersigned, Commissioners for ascertaining and adjusting the titles and claims to lands in the territory of Louisiana, have decided that Joseph Brazeau, original claimant, is entitled to a patent under the provisions of the 4th section of an Act of the Congress of the United States, entitled "An Act respecting claims to land in the territories of Orleans and Louisiana," passed the third day of March, one thousand eight hundred and seven, for four arpens of land, situate in the District of St. Louis, on the Mississippi, and order that the same be surveyed agreeably to a reserve made in a sale from Joseph Brazeau to Louis Labeaume, recorded in Book C, p. 339, of the Recorder's office.

By virtue of a concession or order of survey from Zenon Trudeau, Lieutenant-Governor.

JOHN B. C. LUCAS,
CLEMENT B. PENROSE,
FREDERICK BATES.

*Recorder's Office, St. Louis*, 3d March, 1848.

I certify that the foregoing, from page one to page six, is a full and complete transcript, from the books, records and documents on file in this office, of the claims to land, which were confirmed under certificate No. 982, to Louis Labeaume, and under certificate No. 983, to Joseph Brazeau, by the Board of Commissioners appointed under the fifth section of the Act of Congress, approved the 2d of March, 1805, entitled "An Act of ascertaining and adjusting the titles and claims to land within the territory of Orleans, the District of Louisiana.

ADOLPHE RENARD,
*U. S. Recorder of Land Titles in the State of Missouri.*

*Translation.*

List of the lands claimed by Louis Labeaume, of which the titles,

concessions, plats, sale and certificates of sales, have been filed by him in the office of the Recorder, to be recorded, in conformity with the Act of Congress, approved on the second of March, in the year 1805.

No. 1. Concession to Louis Labeaume, of 8,000 arpens, &c.

No. 2. Louis Labeaume, 374 arpens of land conceded in part to Joseph Brazeau, on the 20th (25th) June, 1794, and in part to Labeaume on the 15th February, 1799, improved and cultivated since these two dates.

(S.) LOUIS LABEAUME.

*St. Louis*, 26th February, 1806.

2d. Concession. To Don Zenon Trudeau, Lieutenant-Governor, Commander-in-chief, civil and military, of Upper Louisiana: Sir: Louis La Beaume with all the respects due you, has the honor to state that he acquired from Mr. Joseph Brazeau, inhabitant of this town, a tract of land granted to him on the 20th (25th) of the month of June, 1794. The depth of this land being very narrow, and the petitioner having nearly put the whole under cultivation, besides the necessity under which he is of making improvements for the management of the manufactures he has proposed to you—he asks that you will be pleased to grant him 360 arpens of land, including the land which the said petitioner bought of M. Brazeau; that is, 20 arpens in depth from the Mississippi in ascending the Rocky Branch W. ¼ S. by 16 arpens in front along the Mississippi, to be taken from the descending of the road into the creek, which is the same front of the petitioner's land. The angle (triangle) formed by the perpendicular from the road to the river, by the creek, and by the river, shall complete or about, the tract asked for by the petitioner, who has the honor to remark that this land is altogether deprived of timber, and can only be used for the pastures needed by the petitioner for the feeding of the cattle he must keep for his establishment.

(Signed) LOUIS LA BEAUME.

*St. Louis, February*, 1799.

It being evident to me that the land solicited for is totally barren of fuel or timber, hilly, cut up by ravines, and fit only for the grazing of cattle that may be needed for the use of the contemplated mill, I inform the Governor-General, that the concession asked for will prove useful to the interested parties, as likewise to this town, without being prejudicial to anybody; and in consideration of these circumstances, the Surveyor, Don Antione Soulard, shall put the interested party in possession, and execute the survey in continuation to serve to obtain the complete title from the said Governor-General, which is wished for by the petitioner.

(Signed) ZENON TRUDEAU.

Vacant and belonging to His Majesty's domain.

1221.

[For plat see original, page 108.]

Note: Stone bounds were set at the distance of 20 arpens between each other, with iron-drops at their foot. All the trees found on the lines were blazed. Book A, folio 8, No. 13.

I, Antoine Soulard, particular Surveyor of the Settlement of Upper Louisiana, do certify that on the 2d of March of the present year (in virtue of the foregoing decree of Don Zenon Trudeau, Lieutenant-Governor of the settlement,) I went on the land of Louis La Beaume to execute the survey thereof, agreeably to his petition for 374 superficial arpens; said survey was made in the presence of the proprietor and his adjacent neighbors, with the perch of Paris, which is eighteen feet in length, according to the custom adopted in this province of Louisiana. This land is situated 3 miles north from this town of St. Louis, bounded on the north side by the bank of Rocky Creek, and by his Majesty's Domain, on the south by lands of various owners; on the east by the river Mississippi; and on the west by the vacant lands of the Royal Domain; and in order that the whole may be available, whenever needed, I do give the present certificate, with the foregoing figurative plat, on which are shown the dimensions and the natural and artificial boundaries of said land.

(Signed) ANTOINE SOULARD, *Pr. Sur.*

*St. Louis of Illinois*, the 10th April, 1799.

*Recorder's Office, St. Louis*, 11th August, 1853.

The foregoing is correctly translated from the record thereof, in the French and Spanish languages, at pages 337, 339, and 340 of Book C, in this office. The plat on page —— is correctly copied from page 339 of said book C.

ADOLPH RENARD,
*U. S. Recorder of Land Titles in the State of Missouri.*

Abstract from the list of lands claimed by Louis Labeaume, and of which the titles, concessions, plats, sales and certificates of sales, have been delivered by him to the Recorder of Land Titles, in order that they may be registered and recorded by him according to the act of Congress approved on the 2d of March of the year 1805, No. 2. Louis Labeaume, 374 arpens of land, conceded in part to Joseph Brazeau, the 20th June, 1794, and the other part to Louis Labeaume, the 15th February, 1799, settled and cultivated since both these dates.

(Signed) LOUIS LABEAUME.

*St. Louis*, the 26th of February, 1806.

To Mr. Zenon Tradeau, Captain of the Stationary Regiment of Louisiana, Lieutenant-Governor and Commander-in-chief of the western part of Illinois:—

and can serve only for the pasturing of the cattle necessary for the use of the mill which is contemplated; I inform the Governor-General that the concession asked for will prove useful to the interested, as likewise to this town, without being prejudicial to anybody; and considering the circumstances, the surveyor, Don Antoine Soulard, shall put the interested in possession, and make out his survey in continuation in order to serve to solicit from the Governor-General the title in form which he desires.

ZENON TRUDEAU.

*Note.*—Stone bounds are set at the distance of 20 arpens between each other, with cinders of the forge at their foot; all the trees that were found on the lines are blazed. Book A, folio 8, No. 13.

I, Antoine Soulard, Surveyor particular of the establishment of Upper Louisiana, do certify that on the second of March of the current year (in virtue of the foregoing decree from Don Zenon Trudeau, Lieutenant-Governor of the settlements), I went on the land of Louis Labeaume to execute the survey of the same, conformably to his petition for 374 superficial arpens; said survey was made in presence of the proprietor and of the adjoining neighbors, with the perch of the city of Paris, 18 feet in length, according to this custom adopted in this province of Louisiana.

[For plat see original, page 114.]

This land is situated at three miles in the north of this town of St. Louis, bounded on the north side by the bank of Rocky Branch and the domain of His Majesty, on the south side by the land of divers inhabitants; on the east side by the river Mississippi, and on the west side by vacant lands of the royal domain. And in order that all that is above written may be available whenever needed, I give the present certificate, with the foregoing fugurative plat, on which are designated the dimensions and the natural and artificial boundaries of said land, in St. Louis, of Illinois, the 10th of April, of the year 1799.

(Signed) ANTOINE SOULARD.
*Ag'r (Surveyor) particular.*

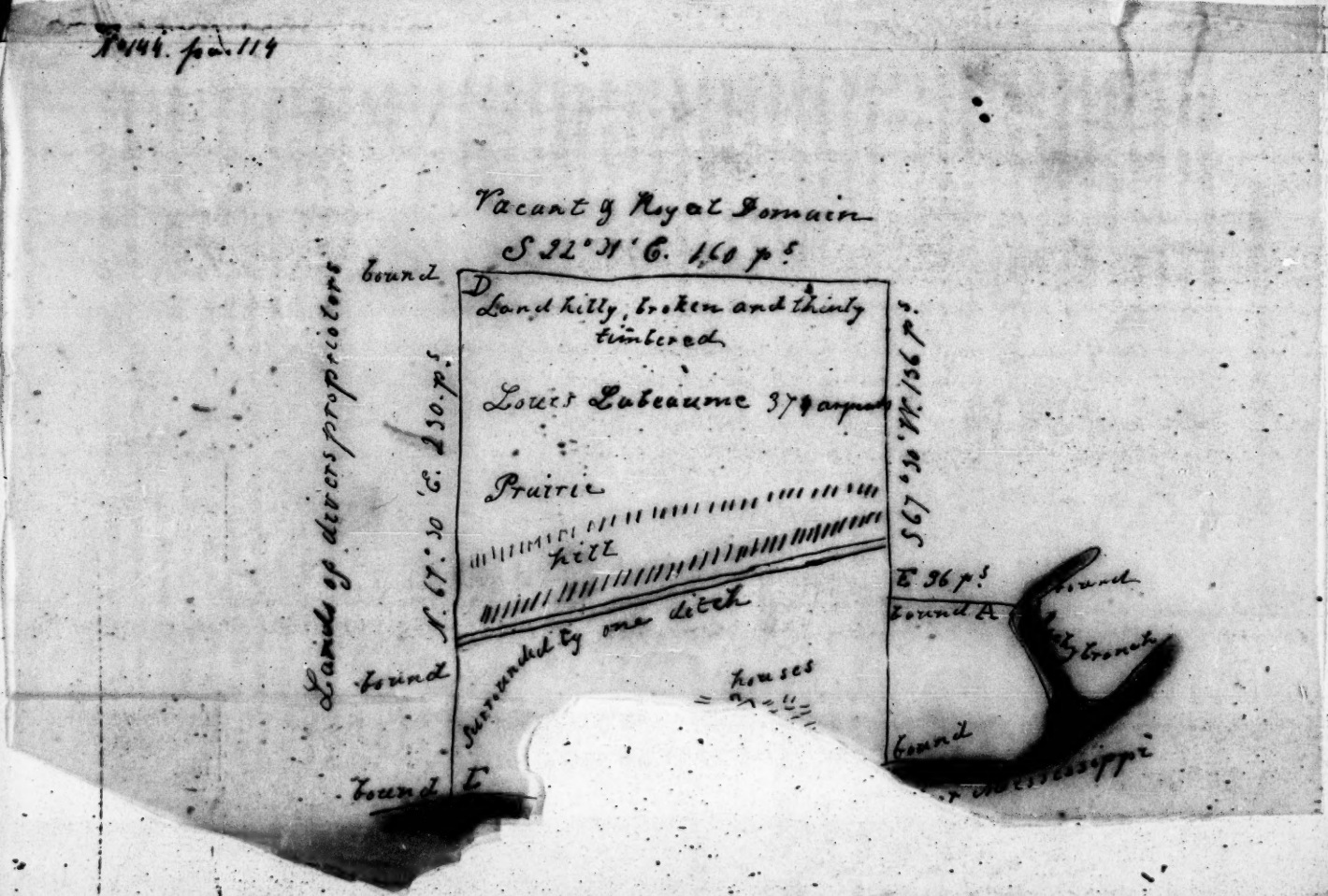
*St. Louis, 16th December*, 1845.

The foregoing petitions, concessions, plat and certificate of survey, are correctly translated from pages 338, 339 and 340, of Record Book C, of the U. S. Recorder of Land Titles in St. Louis, Mo.

ADOLPHE RENARD, *Recorder.*

6. Deed from Louis La Beaume and wife to William Chambers, dated April 9, 1816.

F 144. fo. 114


Vacant & Royal Domain
S 22° W. C. 160 p.s
D
Land hilly, broken and thinly timbered
Lower Lubeaume 37 ½ arpents
Prairie
hill
Surrounded by one ditch
houses
Lands of divers proprietors
bound
N. 67° 30' E. 230 p.s
S 67° 30' W. 156 p.s
E 96 p.s
bound
bound A
bound
bound
bound
E

This indenture, made the twenty-seventh day of the month of April, in the year one thousand eight hundred and sixteen, between Louis La Beaume and Susan Chauvet Dubruil, his wife, of Richwood township, County of Washington, Missouri Territory, and William Chambers, of Jefferson County, State of Kentucky: Witness, that the said Louis La Beaume and Susan Chauvet Dubreuil, his wife, for and in consideration of the sum of seven thousand and four hundred and sixty dollars, current money of the United States of America, to them in hand paid, the receipt whereof they do hereby acknowledge, have granted, bargained and sold, aliened, released, enfeoffed and confirmed, and by these presents do grant, bargain and sell, alien, release, enfeoff, and confirm unto said William Chambers, his heirs and assigns, a certain tract or parcel of land, situate, being and lying in the County of St. Louis, Territory aforesaid, and on the waters of the Mississippi, containing three hundred and seventy-four arpens, French measure, and bounded as follows, to wit: Beginning at a bounded mark D, on the original plat of survey made by virtue of the original Spanish concession, north sixty-seven degrees thirty minutes east to a bound E, on the Mississippi; thence with the meanders thereof to the mouth of Stony Creek; thence with a meander of said creek to a bound A; thence from A south twenty degrees thirty minutes east thirty-six poles to B; thence from B south sixty-seven degrees thirty minutes west, west one hundred and thirty-six poles to a bound C; thence from C south twenty-two degrees thirty minutes east one hundred and sixty poles to the place of beginning; the whole according to the plat of the original survey made by Antoine Soulard, the tenth of the month of April, in the year one thousand seven hundred and ninety-nine, reference thereunto being had it will more fully appear, and all the estate, right, title, interest, claim and fee of them, the said Louis La Beaume and Susan Chauvet Dubreuil, his wife, of, in, and unto the said tract of land, with all the appurtenances, unto the said William Chambers, his heirs and assigns, to his and their only proper use, benefit and behoof forever. And the said Louis La Beaume and Susan Chauvet Dubreuil, his wife, do covenant and agree to and with the said William Chambers, his heirs and assigns, that they are seized and possessed of a good, sure and perfect estate in fee simple, of, in, and unto said tract of land, with all the appurtenances, and that they have full power and lawful authority to sell and convey the same to the said William Chambers, his heirs and assigns; and the said Louis La Beaume and Susan Chauvet, his wife, do further covenant and agree to and with the said William Chambers, his heirs and assigns, that the said tract or parcel of land is free, and clear of and from all right and title of dower or incumbrance whatever, and that they with their heirs, executors and administrators, shall warrant and forever defend the said tract or parcel of land, with all the appurtenances, unto the said William Chambers, his heirs and assigns, forever, against the lawful

*Protest signed by Pierre Chouteau, dated 20th May,* 1826.

8. Protest signed by Pierre Chouteau, dated May 20, 1826:—

*St. Louis,* May 20, 1826.

Sir: As soon as I was apprised that a New Madrid certificate, No. 184, issued in favor of one Henry Peyroux, for 160 acres, had been so located in T. 45, N. R. 7 E of the 5th pr. meridian, to cover the whole of a small tract of 16 arpens, which I have purchased from a Mr. Joseph Brazeau, to whom it had been confirmed by the Board of Commissioners, and also part of another tract, 93,01 arpens, confirmed to me by the same Board, I protested on the 24th day of June, 1818, against such an act before General William Rector, then Surveyor-General, but understanding that application has been made to you for a patent by the proprietor of said certificate, and apprehensive that you have not yet been made acquainted with the facts above stated, I have thought it necessary to do it, and request you at the same time to postpone issuing a patent in favor of the aforesaid location. The confirmation referred to in favor of Joseph Brazeau and myself are No. 983 and 671.

I have the honor to be, very respectfully, sir, your most ob't and h'le servant,

PRE. CHOUTEAU.

The Hon. GEORGE GRAHAM,
*Comm. Gen'l Land Office.*

*General Land Office,* July 3d, 1847.

I, Richard M. Young, Commissioner of the General Land Office, do hereby certify, that the above is a true copy of a letter on file in this office.

In testimony whereof, I have hereunto subscribed my name and caused the seal of said office to be affixed, at the city of Washington, the day and year above written.

RICH'D M. YOUNG,
*Commissioner.*

*Patent Certificate issued to Labeaume.*

9. Patent certificate issued to Labeaume, dated 1841.

*Office of the Recorder of Land Titles, St. Louis,* 26th Feb. 1852.

Patent Certificate, No. 1249. It is hereby certified that on the 15th February, 1799, Zenon Trudeau, Lieutenant-Governor of the Spanish province of Upper Louisiana, made a concession of about 360 arpens of land to Louis Labeaume, and that on the 2d March of the same year, it was surveyed by Antoine Soulard, surveyor of the same province, to the amount of 374 arpens, situated 3 miles north of the town of St. Louis.

It is further certified that the Board of Commissioners appointed in pursuance of the 5th section of the act of Congress, approved the

2d March, 1805, entitled an act for ascertaining and adjusting the titles and claims to land within the Territory of Orleans, and the District of Louisiana, confirmed on the 22d September, 1810, 356 arpens to Louis Labeaume, agreeably to the aforesaid concession; and that on the 14th June, 1811, they issued their certificate, numbered 982, for that confirmation under 4th Section of the Act of Congress approved the 3d March, 1807, entitled an act respecting claims to land in the territories of Orleans and Louisiana. It is further certified that the Honorable A. H. H. Stewart (Stuart), secretary of the apartment of the Interior, decided on the 25th day of July, 1851, that those claiming under Labeaume are entitled to a patent for the land, according to Soulard's survey and Labeaume's possession, and that he directed the necessary survey to be made, and a patent issued in conformity therewith. It is further certified that the lines of said Soulard's survey have been retracted in conformity with the decision referred to, as appears from the accompanying plat and description of survey, numbered 3333, authenticated and returned this day to this office by M. Lewis Clark, Surveyor-General for Illinois and Missouri. Now, therefore be it known, that Lewis Labeaume, or his legal representatives, is entitled to receive a patent for three hundred and thirty-nine acres and sixty-eight hundredths of an acre, equal to $399\frac{30}{100}$ arpens of land, the contents of said survey No. 3333, which is situated in township numbered 45, north of the base line, and range 7 east of the 5th principal meridian in the State of Missouri.

(Signed) ADOLPHE RENARD,

*U. S. Recorder of land titles in the State of Missouri.*

To Justin Butterfield, Esq., Commissioner of the General Land Office, city of Washington.

10. Transcript of proceedings on the concessions to Antoine Roy, and report of Soulard, in the case of Roy, (copied on page ——— of this Record.)

11. Sale and transfer from Esther to Clamorgan, dated September 2d, 1794.

(*Sale and transfer from Esther to Clamorgan.*)

I, the undersigned Esther, a mulattress, under my customary mark and in the presence of witnesses, declare by these presents to have sold, ceded, left, and abandoned as well now as forever, and promise to keep and warrant from all mortgages, substitutions or other impediments whatever, unto Mr. Jacques Clamorgan, a merchant of this town, here present, and who accepts for himself, his heirs or assigns, a tract situated to the north of this town, between the Grange the Terre and the river Mississippi, having four arpens in width by twenty arpens deep, from the Mississippi to the hills, as the whole stands, for having obtained it by title of concession from Mr. Don Zenon Trudeau, Lieutenant-Governor, under date of the 5th day of Octo-

ber, in the year one thousand seven hundred and ninety-three, leaving and divesting myself of the whole in favor of the said Mr. Jacques Clamorgan, renouncing all rights, pretensions, names, reasons or actions, as well now as forever, for myself and also for my heirs, for the price and sum of eighty dollars, which have been paid to me by the said Clamorgan, and of which sum I give him by these presents, full and good discharge without any reservation. In testimony whereof, I have signed at St. Louis, this 2d day of September, one thousand seven hundred and ninety-four, mark of × the named.

Witness, Joseph Brazeau, Benito Vasquez: Recorded Book A, pages two hundred and four, and following, this tenth day of December, in the year of our Lord one thousand eight hundred and five.

M. P. LEDUC, *Recorder.*

STATE OF MISSOURI,
*County of St. Louis, ss:*

Before me, the undersigned sealed, one of the Justices of the County Court within and for the county of St. Louis and State of Missouri aforesaid, personally came and appeared the undersigned, Marie Philip Le Duc, to me the said Justice well known, who being duly sworn on the Holy Evangelist of Almighty God, deposes and says; that he is well acquainted with the handwriting of Joseph Brazeau and Benito Vasquez, subscribing witnesses to the within annexed deed from Esther, mulattress, to Jacques Clamorgan, and that the signature of the said witnesses, to wit; the said Joseph Brazeau and Benito Vasquez, are the proper signatures of them, the said witnesses. He, the said deponent, further says, that he saw several times the said witnesses write their own respective names, and that the aforesaid witnesses are now deceased.

M. P. LE DUC.
WILL SULLIVAN, [SEAL.]

Recorded this fourteenth day of July, 1821.

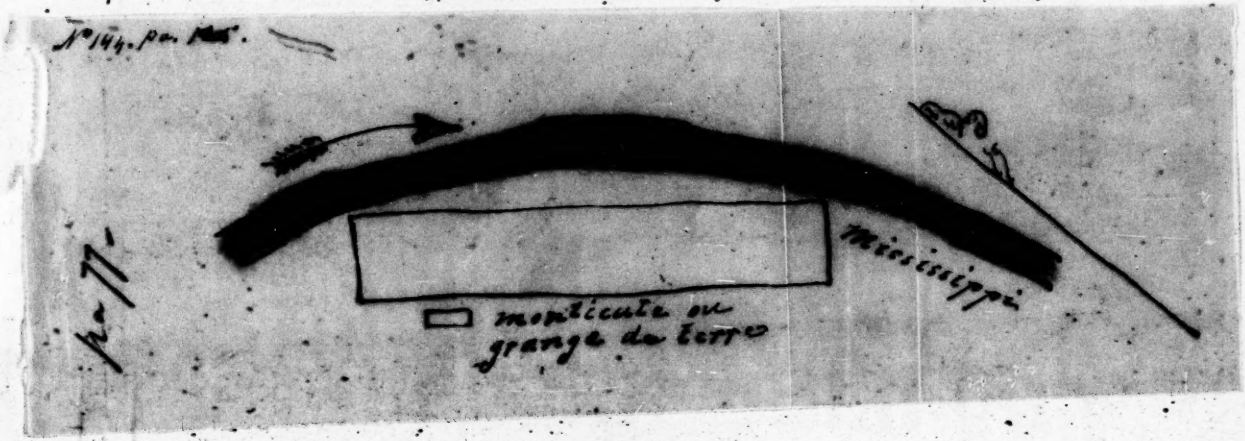
ARCHIBALD GAMBLE, *Clerk.*

STATE OF MISSOURI,
*County of St. Louis, ss:*

I, the undersigned Recorder for said county, do hereby certify the foregoing to be a full and complete copy of an instrument of writing, and also of the certificates of acknowledgment and of the date of recording thereof, as fully as the same remains of record in my office in Book K, pages 216 and 217.

Witness my hand and official seal at St. Louis, the first day of April, A. D. 1848.

[SEAL.] S. D. BARLOW, *Recorder.*


N° 144. pa. Mss.
Mississippi
monticule ou
grange de terre

(*Transcript of Proceedings of Board of Commissioners, on grant of Esther, dated July* 4, 1836.)

12. Transcript of proceedings of Board of Commissioners on grant of Esther, dated July 4, A. D. 1836, which is as follows: Jacques Clamorgan claims the following tracts of lands, viz.:—

1. As Assignee of Thomas Tyler, &c.

10. A tract containing 80 arpens, between the Mississippi and the mound called La Grange de Terre, purchased of Esther, a free mulatto woman, to whom the same was granted for pasture, hay, &c., in October, 1793.

A Monsieur Don Zenon Trudeau, etc.:—

Supplie humblement la nommee Esther, mulatresse libre, demeurant dans cette ville de Saint Louis et a l'honneur de vous exposer quelle desireait obtenir dans la partie du nord de cette ville une terre située sur les bords du Mississippi, bornée sur trois cotés par le Domaine de sa Majesté et sur l'autre par les bords du Mississippi dont la partie du nord de la presente concession demandée soit située entre la monticule nommée La Grange de Terre et les ecors du surdit Mississippi, ayant sur les deux bouts quatre arpens de terre de pont qui iront a peu pres de l'Est-Nordest a Ouest-sudoueste sur vinght autres arpens d'etendre ou profondeur qui iront a peu prés du Nord-Nordouest au Sud-Sudest, afin que la suppliante puisse enjouir en propriete pour elle ses hoirs, on ayant cause (à) l'effect d'y recolter du foin et faire pâturer ses animaux, ou tel autre emploi convenable a ses interests, et la suppiante necessera de vendre graces a vos bontes.

St. Louis, ce 2d a 8me, 1793. Signé une croix pour la marque.

D'ESTHER.

[For plat see original, page 125.]

Nous Lieutenant-Gouverneur, apres avoir examiné que la terre demandée appartient au Domaine de sa Majesté, et qu'elle ne porte prejudice a personne. I certifie avoir mis en possession la nomme Esther mulatresse libre de la portion de terre designée par sa requête ayant quatre arpens de front en allant a peu pris de l'Est-nordest a l'uest-sudouest sur vingt arpens de hauteur en allant a peu prés du nord-nordouest an sud-sudest, située dans la partie du nord de cette ville entre la monticule nommée La grange de terre et les bords du Mississippi, en descendant le dit flauve dont trois côtés de la ditte terre demandée sont bornes parle domaine de sa majesté et l'autre côté qui est dans la partie de l'est-nordest, est bornée par les écors du Mississippi, ainsi qu'il est figure parle plan. Pour en constater nous avons donné le present en la ville de St. Louis ce 3. 8me, 1793.

(Signé) ZENON TRUDEAU.

Zenon Trudeau, Lieutenant-Gouverneur de la partie occidentale de Illinois. En consequence de la demande a nous faite par la nommée

Esther mulatresse libre, demeurant en cette ville de St. Louis par sa requête en date de deux du present mois, et apres l'avoir mise en possession nous même. Suivant l'acte que nous en avons dressé le jour suivant, nous avons concedé et concédons a la dite nommée Esther, a titre de proprieté pour elle ses hoirs ou ay ans cause, ou tous autres qui pourraient representer ses droits, la portion de terre ci-devant designée ayant quatre arpens de face par ses deux extremites, qui seront a peu pres de l'est-nordest en allant a ouest-sudouest. Sur vingt autres arpens de hauteur en allant a peu prés du nord-nordouest au sud-sudest, situé au nord de cette ville; alors la partie du nord de la presente concession sera située entre la monticule nommée la grange de terre et les bords du Mississippi, en descendant le dit fleuve, jusqu'a la concurrence et etendu ses sur dits vingt arpens de profondeur. The nord-nordouest, the sud-sudest, et le ouest-sudouest qui sont a peu pres la direction des lignes seront bornès par les domaines de sa majeste, et le côté de l'est-nordest qui est le côté du fleuve sera borné par lebord de ses écors, afin que la dite nommée Esther puisse y recolter le fourrage dont elle abesoin, y faire paturer ses animaux, et en faire tel autre usage convenable a ses interets. Demeurant alors sujette aux lois, charges et impositions qu'il plaira a sa majeste d'y imposer a l'avenir. Donné en la ville de Saint Louis, des Illinois ce cinquieme jour du mois d' Octobre de l'année mil sept cent quatre vingt treize. (Apprové trente deux ligues en margo ci contre par renvoi d'une croix au décrêt de mise en possession.)

ZENON TRUDEAU.

A la reclamation de Mr. Jacques Clamorgan, je certifie que la presente copie est en tout conforme a l'original porté sous le No. 10, au Livre 5, "intitulé comme suit livre pour servir a l'enregistrement pour le concessions. Commence le 21 du mois de Septembre de l'année 1793, par Mr. Zenon Trudeau, Lieutenant-Gouverneur aux Illinois, contenant 24 feuilles." Lequel livre deposé a l'archive de l'arpentage de ce territoire a ma charge. En foi de quoi, jai delivré le present a l'interessé pour lui servir et valoir partout ou besoin sera et comme de raison a constater sur ses reclamations. St. Louis, trente Novembre, mil huit cent cinq.

ANTOINE SOULARD,
*Arpenteur-General Tr. Louisiane.*

Moi Soussignee Esther, mulatresse sous ma marque ordinaire, presence de témoins, declare par ces presente avoir vendu, cedé, laissé et abandonné tant des à present que pour toujours, promet garantir et preserver de toute hypotheques, substitutions et autre empechement quelconques au Sieur Jacques Clamorgan negociant en ce lieu, ici present, acceptant pour lui, les siens ou ayant causes, une terre située au nord de cette ville, entre la grange de terre et le fleuve Mississippi ayant quatre arpens de large sur vinght arpens de profondeur, en allant du Mississippi aux cotes, tout ainsi que le tout se

comporte pour l'arvir obtenue par titre de concession de Mr. Don Zenon Trudeau, Lieutenant-Gouverneur, en date du cinquieme jour du mois Octobre de l'année dernière, mil sept cent quatre vingt treize, de tout quoi je me denantis et d'esiste en faveur du dit S. Clamorgan, renoncant a tous droits, pretentions, noms, raisons ou actions, tout des a present que pour toujours, pour moi comme pour le mions moyennant le prix et somme de quatre vingt piastres qui mont été payées parte d'it Clamorgan, de laguelle somme, je lui donne par ces presentes, bonne et valable quittance et decharge et sans aucune reserve.

Enfoi de quoi j'ai signé à St. Louis ce 2 de Septembre de mil sept cent quatre vingt quatorze. Marque × la nommée.

Témoins: JOS. BRAZEAU,
BENITO VASQUEZ, Temoin.

Recorded Book A, pages two hundred and four and following, this tenth of December, in the year of our Lord one thousand eight hundred and five.

M. P. LE DUC, *Recorder.*

See Record Book C, pages 134, 159 and 160.

*August* 22, 1806.

The Board met agreeably to adjournment. Present the Hon. John B. C. Lucas, Clement B. Penrose, and James L. Donaldson, Esqs.

Jacques Clamorgan, ass'e of Esther, a malatto woman, claiming 4 by 20 arpens of land situate in the Prairie of St. Louis, produces a duly registered warrant of survey from Zenon Trudeau, dated the 2d October, 1793, granted for the purpose of cutting hay, and a deed of transfer of the same, dated the 2d September, 1794.

Joseph Brazeau being duly sworn, says, that to his knowledge claimant did make hay on said land, but cannot say positively when.

The Board reject this claim.

Adjourned to to-morrow, 9 o'clock A. M. See Book No. 1, of Minutes of old Board, pages 483, 485, and 486.

*Friday*, February 17th, A. D. 1809.

Board met: present, John B. C. Lucas, Clement B. Penrose, and Frederick Bates, Commissioners.

On application of Pierre Chouteau for a decision in his claim for 98 arpens, and one perch of land, situate above the town of St. Louis, stating that the said land has been taken in execution as the property of Jacques Clamorgan, said claim interfering with Jacques Clamorgan as assignee of Esther, a mulattress, recorded in Book C, page 159, of the Recorder's Office, claim of Pierre Chouteau, acted on in Book 3, page 443; that of Jacques Clamorgan, in Book No. 1, page 485; the claim of Antoine Roy, also interfering, see Book No. 3, page 374. The Board agreed to take up the same. On a ques-

tion being made to take up the claim of Jacques Clamorgan, assignee of Esther, mulattress, Clement B. Penrose and Frederick Bates, Commissioners, voted for it; having reference to the concession in the claim of Antoine Roy, for 600 square feet. John B. C. Lucas, Commissioner, voted against it, because the said claim is not laid over for decision, and the time given by the Board for the taking of testimony in claims is not expired. The Board are unanimously of opinion that the claim of Jacques Clamorgan, assignee of Esther, ought not to be confirmed. Board adjourned.

JOHN B. C. LUCAS,
CLEMENT B. PENROSE,
FREDERICK BATES.

See Minutes of old Board, No. 3, pages 475 and 476.

*Wednesday*, March 6, 1833.

The Board met pursuant to adjournment. Present, F. R. Conway, A. G. Harrison, Commissioners.

Decr. 70, p. 310. Esther, free mulatto woman, claiming 80 arpens of land. See Livre Terrien, No. 5, pages 10 and 11, Book C, pages 159 and 160. Minutes No. 1, pages No. 3, p. 475. Rene Dodier, being duly sworn says, that he knew Esther, a free mulatto woman who lived with Clamorgan; that she had a grant of land near the mound commonly called "La Grange de Terre;" that she lived with Clamorgan, as if she had been his wife; that Clamorgan had several children by her; that Esther had cattle which were sent to pasture along with Clamorgan's cattle, on said piece of land; and that she was generally known as being the lawful owner of said land; that said land comprised in the common field of St. Louis, the fence of said field running on this side of where now lives Mr. John Mullanphy. Witness further says, that he thinks Esther's land extended to the bank of the Mississippi, as it did not run west of the going to Bellefontaine. Adjourned until to-morrow at 10 o'clock A. M.

F. R. CONWAY,
A. G. HARRISON.

See Minutes of the late Board, book No. 6, p. 111 and 112.

*Friday*, April 26, 1833.

The Board met pursuant to adjournment; present, A. G. Harrison, F. R. Conway, Commissioners.

No. 70, page 310. In the case of Esther, claiming 80 arpens of land, see page 111 of this book.

J. B. Riviere dit Baceane, duly sworn, says: he knows Esther, a free mulatto woman, who lived with Clamorgan; that to his knowledge, said Esther had, to the north of St. Louis, a small piece of land, which had been given to her by the public, at the end of their common fields, and that Esther made use of said piece of land as a pasture for her calves and cows; that the said land was situated be-

1228.

tween the mound commonly called "La Grange de Terre" and the next mound south of the said Grange de Terre, and running from the descent of the hill between the above said two mounds to the Mississippi; that he does not know exactly how long she possessed the said land. He further says that, when he said that the said land had been given to Esther by the public, he meant the government.

Francis Duchouquette, duly sworn, says: He knows that Esther owned a piece of land situate at the foot of the Grange de Terre, and running thence to the Mississippi, but does not know what quantity of land; that said Esther was the reputed owner of said land for more than 10 years.

Elizabeth Hortez duly sworn, says: She heard her husband and others say that Esther had a piece of land situated about the Grange de terre, and running towards the Mississippi; that she always understood that Esther was the reputed owner of said land; that the cows which were at Clamorgan's were always called Esther's cows.

Adjourned until to-morrow at 9 o'clock A. M.

A. G. HARRISON,
F. R. CONWAY.

See Minutes of the late Board, Book No. 6, pages 160 and 161.

*Friday*, November 8, 1833.

The Board met pursuant to adjournment. Present L. F. Linn, A. G. Harrison, F. R. Conway, Commissioners.

70. Esther, free mulatto woman, claiming 80 arpents of land. See pages 111 and 160.

The Board are unanimously of opinion that this claim ought to be confirmed to the said Esther, or her legal representatives, according to the concession.

The Board adjourned until to-morrow at 9 o'clock A. M. Book 6, pages 307, 310, 312.

L. F. LINN,
F. R. CONWAY,
A. G. HARRISON.

*Recorder's Office, St. Louis*, 27th March, 1848.

I certify the foregoing to be truly transcribed from the books and records of this office, at the pages therein referred to.

ADOLPHE RENARD,
*U. S. Recorder of Land Titles in the State of Missouri.*

Translation of those parts of the foregoing which are in the French language.

To Don Zenon Trudeau, &c.:

Esther, a free mulatto woman, residing in this town of St. Louis, humbly supplicates, and has the honor of presenting to you, that she

would wish to obtain in the north part of this town a piece of land situated on the borders of the Mississippi River, bounded on three sides by his majesty's domain, and on the other side by the banks of the Mississippi River. The northern part of the concession now petitioned for, to be situated between the mound commonly called the Grange de Terre, and the banks of the Mississippi River, having at its two ends four arpens in front, running about from east-northeast to west-southwest by 20 arpens in length or depth, running about from north-northwest to south-southeast, in order that the petitioner may enjoy the same in full property, for her, her heirs and assigns, to make hay, pasture her cattle, or for any other purpose suitable to her interest; and the petitioner shall never cease to render thanks to your goodness.

*St. Louis*, this 2d day of October, 1793.

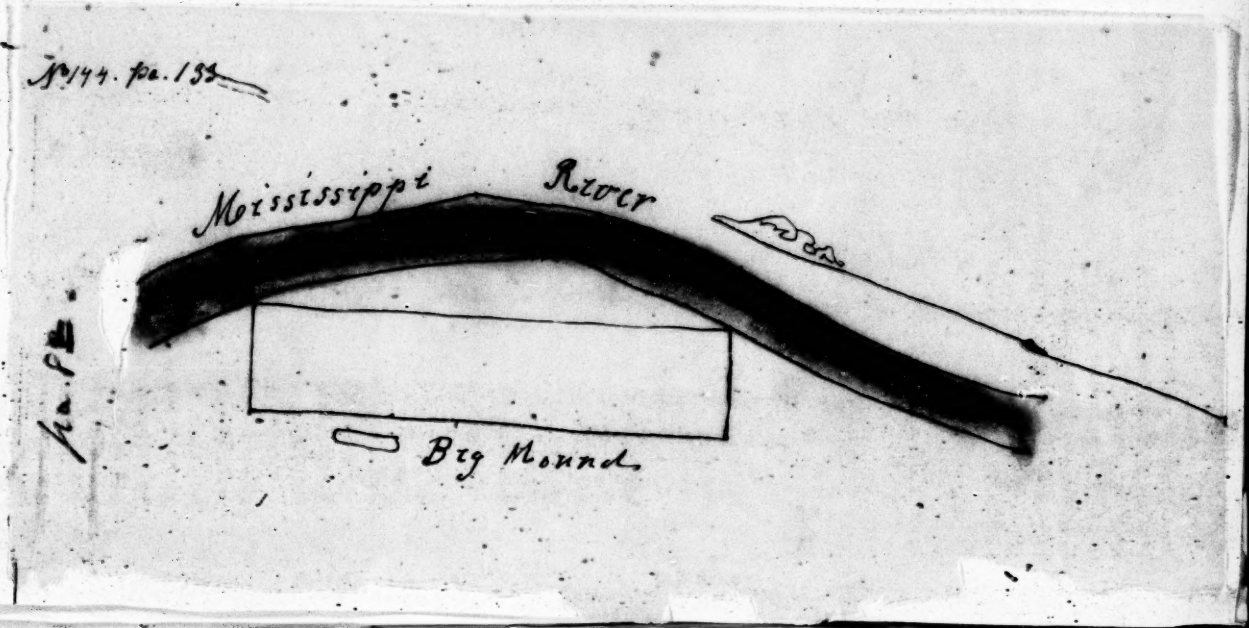
One cross for Esther's mark.

[For plat see original, page 133.]

We, Lieutenant-Governor, after having ascertained that the land petitioned for, belongs to His Majesty's Domain, and that the granting thereof is not prejudicial to anybody, I do certify to have put in possession the free mulatto woman Esther, residing in this town of St. Louis, according to her petition dated the 2d of the present month, of the piece of land described therein, having four arpens in front, running from about east-northeast to west-southwest, by twenty arpens in depth, running from about north-north-west to south-southeast, situated in the northern part of this town, between the mound called the Grange de Terre and the banks of the Mississippi, descending the river. Three sides of the land asked for are bounded by His Majesty's Domain, and the other side, which is the east-northeast, is limited by the banks of the Mississippi River, as appears by the plat. In testimony whereof, we have given the present in the town of St. Louis, this 3d of October, A. D. 1793.

DON ZENON TRUDEAU,
*Lieutenant-Governor of the western part of Illinois.*

In consequence of the demand to us made by the free mulattress named Esther, residing in this town of St. Louis, in her memorial dated the 2d day of the present month, and after having ourself put her in possession, as appears from the document, which we have drawn the following day, we have conceded and do concede in fee simple to the said named Esther, for herself, her heirs or assigns, or all others who may represent her rights, the tract of land here above designated, having four arpens in front at its two ends, which are to run about from east-northeast to west-southwest, by twenty arpens in length, running about from north-northwest to south-southeast, situated at the north of this town. The northern part of the present concession


No 144. pa. 133
Mississippi River
Big Mound

is to be situated between the small mound called the Grange de Terre, and the bank of the Mississippi, descending the said river to the complement and extent of the said twenty arpens in length. The north-northwest, the south-southeast, and the west-southwest, which are about the courses of the lines, shall be bounded by His Majesty's Domain; and the east-northeast side, which is the side of the river, shall be limited by the edge of its steep bank or beach (écore)—in order that the said named Esther may gather thereon the hay she needs, pasture her animals, and use it for such other purposes as may be most convenient to her interests. The same remaining liable to the laws, charges and taxes that His Majesty may think proper hereafter to impose.

Given in the town of St. Louis, of Illinois, this fifth day of the month of October, in the year one thousand seven hundred and ninety-three.

(Approved, thirty-two lines written on the margin of the foregoing page, and marked by a cross, on the decree of the delivery of possession.)

ZENON TRUDEAU.

At the request of Mr. Jacques Clamorgan, I do certify that the present copy is in its whole conformable to the original, registered under the No. 10 of Book 5, entitled as follows: "Book for the Record of Concessions, begun the 21st of month of September, in the year 1793, by Zenon Trudeau, Lieutenant-Governor of Illinois, containing twenty-four leaves," which book is deposited in the archives of surveys in this territory under my charge.

In testimony whereof, I have delivered the presents to the interested party, to serve him to prove his rights to this claim, wherever needed. St. Louis, thirteenth November, one thousand eight hundred and five.

ANTOINE SOULARD,
*Surveyor-General T'y Louisiana.*

I, the undersigned, Esther, a mulattress, under my customary mark, and in the presence of witnesses, declare by these presents, to have sold, ceded, left, and abandoned, as well now as forever, and promise to keep and warrant from all mortgages, substitutions, or other impediments whatever, unto Mr. Jacques Clamorgan, a merchant of this town, here present, and who accepts for himself, his heirs or assigns, a tract situated to the north of this town, between the Grange de Terre and the river Mississippi, having four arpens in width, by twenty arpens deep from the Mississippi to the hills, as the whole stands, for having obtained it by title of concession from Mr. Don Zenon Trudeau, Lieutenant-Governor, under date of the 5th day of October, in the year one thousand seven hundred and ninety-three, leaving and divesting myself of the whole in favor of the said Mr. Jacques Clamorgan, renouncing all rights, pretensions, names,

reasons, or actions, as well now as forever, for myself, and also for my heirs, for the price and sum of eighty dollars, which have been paid to me by the said Clamorgan, and of which sum I give him, by these presents, full and good discharge, without any reservation.

In testimony whereof, I have signed at St. Louis, this 2d of September, one thousand seven hundred and ninety-four.

Mark of × the named witnesses.

JOS. BRAZEAU,
BENITO VASQUEZ.

*St. Louis*, 31st March 1847.

I have correctly translated the foregoing.

ADOLPHE RENARD, *Recorder.*

13. Petition of Pierre Chouteau, dated Oct. 15th, 1799, and concession by Delussus to him, dated Oct. 6, 1799, and Spanish survey and plat. (Copied on page of this record.)

14. Survey of Soulard of the concession to Chouteau, with plat of survey. (Copied on page of this record.)

15. Transcript of the proceedings before Board of Commissioners on claim of Louis Labeaume. (Copied on page of this record.)

16. Concession to Gabriel Cerré, No. 118, from pages 318 and 319, of Livre Terrien, No. , and survey of the same in February, 1806 (not on file among the papers of this case, and not to be copied, by agreement of parties.)

17. Letter of F. R. Conway, Recorder of Land Titles, dated March 23, 1833.

(*Letter of T. R. Conway, Recorder of Land Titles.*)

*Recorder's Office, St. Louis, Mo.*, March 23, 1833.

SIR: Your letter of the 9th instant in relation to the survey of Louis La Beaume, has been received. You will receive herewith a copy of the confirmation of the claim of said La Beaume, and that of Joseph Brazeau, together with a certified translation of the concession to La Beaume, referred to in the confirmation, with a plat and translation of the survey made under said concession, and a translation of a certificate of Zenon Trudeau, Lieutenant-Governor, in relation to the sale from Brazeau to La Beaume, which certificate, you will observe, states, that the deed from Brazeau to La Beaume is deposited in the Archives of the post of St. Louis, to where I now refer you for a description of the reservation made in said deed, etc. I see nothing which would warrant the issuing of a patent certificate to the representatives of La Beaume, for the land confirmed to Brazeau, but am of opinion that there should be two surveys, the one of 356 arpens for La Beaume, or representatives, and the other

of 4 arpens for Brazeau, or representatives. The survey of La Beaume is herewith returned.

Very respectfully,
Sir, your obedient servant,
[SEAL.] F. R. CONWAY.
E. F. LANGHAIN, ESQ.,
*U. S. Surveyor of Public Lands, St. Louis, Mo.*

*Recorder's Office, St. Louis*, 15th March, 1853.

I certify that the above is correctly described from pages 21 and 22 of the Record of Letters in this office.

ADOLPHE RENARD,
*U. S. Recorder of Land Titles in the State of Missouri.*

18. Deed from William Chambers to Wm. Christy and Thomas Wright, dated May 4, 1816.

(*Deed from Chambers to Christy and Wright.*)

This indenture, made this fourth day of May, one thousand eight hundred and sixteen, by and between William Chambers of Jefferson County in Kentucky of the one part, and William Christy and Thomas Wright of the town of St. Louis, in the Missouri Territory, of the other part: Witnesseth that the said William Chambers, for and in consideration of the sum of four thousand nine hundred and seventy-three dollars and thirty-three cents to him in hand paid, the receipt whereof he doth hereby acknowledge, have granted, bargained and sold, and by these presents do grant, bargain and sell unto them, the said William Christy and Thomas Wright, their *heirs* and assigns, two equal undivided third parts of a certain tract or parcel of land, containing three hundred and seventy-four arpens French measure, which land is situated, lying and being in the county of St. Louis, in the Missouri Territory, and bounded as follows, to wit: Beginning at the letter marked D on the original plat of survey, made by virtue of the original Spanish concession, running from thence north sixty-seven degrees thirty minutes east to the letter E on the bank of the Mississippi; thence with the meanders thereof to the mouth of Stony Creek, thence up with the meanders thereof to the letter A on the said plat; thence south twenty degrees thirty minutes east thirty-six poles to B; thence south twenty degrees thirty minutes west one hundred and thirty-six poles to the letter C; thence south twenty-two degrees thirty minutes east one hundred and sixty poles to the place of beginning, containing, according to the aforesaid original plat of survey made by Antoine Soulard the tenth of April, in the year one thousand seven hundred and ninety-nine, reference being thereunto had it will more fully appear, it being the same tract or parcel of land purchased by the said William Chambers of Mr. Louis Labeaume and Susan Chauvet

Dubreuil, his wife, for and on the joint and equal account of the said Christy, Wright and himself, on the twenty-seventh day of April, eighteen hundred and sixteen: To have and to hold the said tract or parcel of land, with all the appurtenances, unto the said William Christy and Thomas Wright, their heirs and assigns, to them and their only proper use and behoof forever. And the said William Chambers doth covenant and agree, to and with the said Christy and Wright, their heirs and assigns, that he, the said William Chambers, will warrant and defend the said tract of land unto the said Christy and Wright, their heirs and assigns, against all and every person or persons lawfully claiming or to claim the same, by, through or under him, the said Chambers, but not against the claim or claims of any other person or persons whatsoever. And the said William Chambers hereby further covenants and agrees to and with the said William Christy and Thomas Wright, that they shall have full power and authority in common with himself to proceed against the said Louis Labeaume and his legal representatives, at law or in equity, under the covenant of general warrantee contained in a deed of conveyance from the said Labeaume and his wife to the said Chambers for this same tract of land, which deed was executed on the twenty-seventh day of April, one thousand eight hundred and sixteen, for any damage they may sustain by the loss of any part of the land, and they are hereby fully vested with said authority. In testimony whereof the said William Chambers has hereto set his hand and seal the day and year first above written.

WILLIAM CHAMBERS. [SEAL.]

Teste: M. BLOMFIELD,
HALL T. NEED.

TOWNSHIP OF ST. LOUIS,
*County of St. Louis, Territory of Missouri, ss.*

On the fifth day of May, eighteen hundred and sixteen, personally appeared before me, the subscriber, a Justice of the Peace for St. Louis Township, William Chambers, and acknowledged the foregoing instrument of writing to be his act and deed; and the premises therein mentioned to be the right and estate of the within named William Christy and Thomas Wright, their heirs and assigns.

Given under my hand and seal the day and year aforesaid.

JERE'H CONNER, *J. P.* [SEAL.]

Recorded this 3d day of July, 1816.

M. P. LEDUC, *Cl'k.*

STATE OF MISSOURI,
*County of St. Louis, ss.*

I, the undersigned, Recorder in and for the County of St. Louis, do hereby certify the foregoing to be a full and complete copy of a

deed from Wm. Chambers to Christy and Wright, and also the certificate of acknowledgment and of the date of recording thereof as fully as the same remains of record in my office in Book F, page 10.

Witness my hand and official seal the 21st day of March, 1853.

[SEAL.] S. D. BARLOW, *Recorder.*

19. Township map of connected surveys certified by the Surveyor General, ———, 1852.

20. Deed from Jac. Clamorgan to Pierre Chouteau, dated ———, 1810.

(*Deed from Clamorgan to Chouteau.*)

Suchent tous ceux qui ces presentes verront que moi Jacques Clamorgan pour valeur recue vend, cede, quitte et transporte delame et abandonne a Mr. Pierre Chouteau, tous les droits, titre, actions et pretentions que j'ai et puis avoir ie le terre mentionée en la vente des autres part enregistrée livre A, pages deux cent quatre et suivante sous aneur, receurs quelconque contre moi en foi de q'uoi j'ai signe et seellée a St. Louis, a six Novembre, six huit cent dix.

[SEAL.] J. CLAMORGAN.

En presence de P. Chouteau, file P. Provenchere, Territory of Louisiana, district of St. Louis.

Before me, the subscriber, one of the Justices of the Peace in and for the township aforesaid, personally came and appeared J. Clamorgan, who acknowledged the within instrument of writing to be his act and deed, hand and seal, for the purposes therein contained.

Given under my hand this 8th day of November, 1810.

M. P. LEDUC, *J. P.*

Territory of Louisiana, District of St. Louis. Recorded Book C, pages one hundred and eighty-four, this 8th day of November, A. D. 1810.

M. P. LE DUC,
*Recorder.*

(*Defendant's certificate by old French Witnesses.*)

21. Defendant then gave evidence by old French witnesses tending to prove that Louis Labeaume made ditches on three sides of a piece of land which had about 16 arpens front on the river Mississippi; that the ditch on the south side of said piece of land ran from near the river in a westwardly direction to the bluff or brow of the hill, thence following along the base of the hill in a northerly direction about 16 arpens and forty French feet, and thence in an easterly direction towards the river; that the said ditches are properly represented on the map made by N. F. Heyer, given in evidence; that Labeaume, after he got his deed from Brazeau, built his dwelling and

out-houses within the said ditches, and near the centre of the tract enclosed by the ditches, and lived there upwards of 50 years ago; that said ditches served as enclosures, and were about three feet deep, and the embankment caused by digging the ditches was about 3 feet high, and pickets were stuck into said embankments; that Labeaume had bought a piece of land of Brazeau, and that before Labeaume made said ditches and embankments, Joseph Brazeau had occupied a piece of land, and had a lime-kiln on it, and field which he cultivated south of Labeaume's south ditch; that said kiln was on the river bank, about one hundred yards south of Labeaume's south ditch, and the ground that Brazeau cultivated south of said ditch, run west from the river near to the foot of the mound La Grange de Terre, and as far south as what is now called Hempstead Street, which street is about 150 feet north of the mound; that Brazeau made lime and cultivated as aforesaid, up to the time he made his deed to Labeaume; that he afterwards rented said kiln to one Primeau; that Labeaume lived in the house that he built and actually possessed the land within his ditches, from 1798 until 1814, and his agent after him until April, 1816, when he sold to William Chambers.

Defendant further gave evidence tending to prove that William Christy, who bought of Chambers, went into the house and occupied the same land that Labeaume occupied before him, in 1817, and he and his family lived there until 1849, and that the lines or indications and course of the said ditches were still visible and capable of being traced as late as 1840, and a part of the south ditch can still be traced.

(*Recorder's certificate for Henry Peroux, and location of it.*)

22. Recorder's certificate for Henry Peroux, and location of it.

Thomas Rector and Elias Barcroft enter for Henry Peroux (under Francis Hamelin), or his legal representatives, any quantity of land not exceeding one hundred and sixty acres, by virtue of a certificate, No. 184, dated November the 30th, 1815, and issued by Frederick Bates, Esq., Recorder of Land Titles for the Territory of Missouri, beginning at the southeasterly or lower corner on the margin of the Mississippi River, of a tract of land on which Wm. Christy at present resides, and which said tract of land formerly belonged and is confirmed to Louis Labeaume, running from said corner westwardly with the lower line or southerly boundary of said tract of land, to the point where the easterly boundary or end line of the 40 arpens lots, situate in what is by some called the Little Prairie near the town of St. Louis, intersects the same, thence southerly with said line or lines so far that an easterly line extended therefrom in such direction to the Mississippi River, and up the same along the edge of the water at low water mark to the beginning, shall include the quantity as nearly in a square as may be, deducting therefrom and forever disclaiming all lands heretofore ac-

tually confirmed, which may be comprehended or included by the said boundaries or calls of this entry.

THOMAS RECTOR,
April 7th, 1817. ELIAS BARCROFT.

*Class No.* 105.

*Office of the Surveyor-general for Illinois and Missouri*, St. Louis, March 14, 1853.

I certify that the above is a correct copy from the original notice of location, made in virtue of a certificate, No. 184, issued on the 30th November, 1815, by Frederick Bates, Recorder of Land Titles in the Territory of Missouri, pursuant to the act of Congress, approved on the 17th February, 1815, entitled "An act for the relief of the inhabitants of the late county of New Madrid, in the Missouri Territory, who suffered by earthquakes.

D. A. SPAULDING,
*Surveyor-General.*

23. Patent certificate 1249 and 1250. (Certificate No. 1249, copied opposite No. 9, in the margin of this record. Defendant's testimony.)

(*Patent Certificate, No.* 1250.)

*Office of the Recorder of Land Titles*, St. Louis, 26th February, 1852.

Patent certificate, No. 1250. It is hereby certified, that on the 22d September, 1810, the Board of Commissioners appointed in pursuance of the 5th section of the act of Congress, approved the 2d of March, 1805, entitled an "Act for ascertaining and adjusting the titles and claims to land within the Territory of Orleans and the District of Louisiana," confirmed to Jos. Brazeau four arpens of land situated about 3 miles north of the town of St. Louis, and that on the 14th of June, 1811, they issued their certificate, numbered 983, for that confirmation, as per the 4th section of the act of Congress of the 3d March, 1807, entitled "An act respecting claims to land in the Territories of Orleans and Louisiana." It is further certified, that from a careful examination of the records, it is the opinion of this office that the "four arpens" of this confirmation were intended to mean four arpens in front, along the Mississippi River, by four arpens in depth towards the west, or 16 superficial arpens. It is further certified, that the same has been surveyed in strict conformity with the decision of the Hon. A. H. H. Stuart, Secretary of the Department of the Interior, of the 25th July, 1851, as appears from the accompanying plat and transcript of survey, No. 3332, authenticated and returned on this day to this office, by M. Lewis Clark, Surveyor-general for Illinois and Missouri. Now, therefore,

the object of this letter to refer you to the record above cited, as well as to the old survey in your own office, and to protest against the return of any survey of a New Madrid location within the above mentioned limits, as the vacant lands therein are mine by concession of the Spanish Government, and by general allowance of the U. S. Commissioners.

I am, very respectfully,
Sir, your obedient servant,
PRE. CHOUTEAU.

GENERAL WM. RECTOR, U. S. Surveyor for Illinois and Missouri Territory.

B. Pierre Chouteau's protest against any survey being made by virtue of a New Madrid location between the large mound and Labeaume's ditch, June 24th, 1818. Handed by Mr. Philipson, office of the Surveyor-General for Illinois and Missouri. St. Louis, October 2d, 1852.

I certify that that part of the foregoing which is marked A, is a correct copy of the letter of Peter Chouteau to Surveyor-General Wm. Rector, of the 24th June, 1818, which is filed in this office with New Madrid certificate No. 184, for Henry Peyroux under Hamelin; and the part marked B is a correct copy of the endorsement on said letter, purporting to be in said Rector's handwriting.

M. LEWIS CLARK,
*Sur.-General.*

(*Deed from Pierre Chouteau, Jr., to A. P. Chouteau.*)

2. Deed from Pierre Chouteau, Jr., to A. P. Chouteau, dated September 22d, 1818.

Be it known to all these who shall see these presents that I, Pierre Chouteau, and Bridget, my wife, of the city and county of St. Louis, Territory of Missouri, for the price and in consideration of the sum of five hundred dollars lawful money of the United States, which has been to us well and truly paid by Auguste P. Chouteau, of the same place, as we acknowledge it by these presents, and of which sum we acquaint and discharge him, his heirs or representatives, have this day sold, conveyed, aliened, transferred, abandoned, and given up, as we do by these presents sell, convey, alien, give up, abandon, and transfer to the said Auguste P. Chouteau, his heirs, and assigns, a piece of land lying and situate at a place called the Big Mound, in the said county of St. Louis, north of and near the said city of St. Louis, which piece of land contains twenty arpens superficial measure, and is bounded south by the land we have sold to Wm. C. Carr; east by the Mississippi; west by the forty arpent lots, and north by a land which I, the aforesaid Pierre Chouteau, have acquired of Joseph Brazeau, and the ditch of the land formerly belonging to Louis La Beaume,

and in which aforesaid twenty arpens, or more, if more be found, is included the whole hill called Big Mound, which piece, sold as aforesaid, being the most northern part and balance of the concession which has been granted to me by Mr. Charles Dehault Delassus, formerly Lieutenant-Governor of Upper Louisiana, called now Missouri Territory, October 16th, 1799, and surveyed by Antoine Soulard, Surveyor under the Spanish Government, on the tenth day of March, 1803, as is evident by the record of said concession, and by the plat and certificate of survey recorded in the office of the Recorder of Land Titles for the said Territory of Missouri, in Book C, pages (378 and 379) three hundred and seventy-eight and three hundred and seventy-nine. That the said Auguste P. Chouteau, his heirs, or assigns, may enjoy, do with, and dispose of the said land as a thing to him properly belonging, with all the rights and privileges appertaining, or which may appertain to it; promising to warrant and defend the same against all disturbances, gifts, debts, dowers, mortgages, and all encumbrances whatever.

In testimony whereof we have signed, sealed and delivered these presents at St. Louis, the 22d day of September, A. D. 1818.

PIERRE CHOUTEAU. [SEAL.]
SAUCE CHOUTEAU. [SEAL.]

Signed, sealed, and delivered, in the presence of
M. P. LEDUC,
B. BERTHOLD.

TERRITORY OF MISSOURI,
*County of St. Louis, ss.*

Be it remembered, that on the 22d day of September, one thousand eight hundred and eighteen, before me, the subscriber, a Justice of the Peace in and for the County of St. Louis aforesaid, personally appeared Peter Chouteau, senior, and Saucie Chouteau, his wife, who acknowledged this instrument in writing to be their and each of their act, deed, hand and seal for the purpose therein contained, and the said Saucie Chouteau, wife of the said Peter Chouteau, being first apart and separately from her said husband and by me examined, acknowledged that she signed the same without fear, restraint, constraint, or undue influence of her said husband. In testimony whereof I have hereunto set my hand and affixed my seal at St. Louis, the day, month, and year above written. The words "one thousand eight hundred and eighteen," interlined, being good.

F. M. GUYOE, *J. P.* [SEAL.]

Recorded this 22d day of September, 1818.

A. GAMBLE, *Clerk.*

STATE OF MISSOURI,
*County of St. Louis, ss.*

I, the undersigned, Recorder in and for the county aforesaid, certify the foregoing to be a full and complete copy of an instrument of writing or deed from Pre. Chouteau to A. P. Chouteau, and also the certificate of acknowledgment and of the date of recording thereof as fully as the same remains of record in my office, in Book G, pages 380 and 381. Witness my hand and official seal the 11th day of March, 1853.

S. D. BARLOW, *Recorder.* [SEAL.]

(*Certificate of Board of Commissioners to Pierre Chouteau, dated 29th May*, 1811.)

3. Certificate of Board of Commissioners to Pierre Chouteau, dated May 29th, 1811. No. 671.

Louisiana, Commissioners' Certificate, No. 671, May 29th, 1811: We, the undersigned, Commissioners for ascertaining and adjusting the titles and claims to land in the territory of Louisiana, have decided that Pierre Chouteau, original claimant, is entitled to a patent under the provisions of the 4th section of an Act of Congress of the United States, entitled "An Act respecting claims to land in the territories of Orleans and Louisiana," passed the third day of March, one thousand eight hundred and seven, for ninety-three arpens and one perch of land, situate in the District of St. Louis, and order that the same be surveyed so as not to interfere with the field lots of the Little Prairie adjoining the town of St. Louis, by virtue of a concession or order of survey from Don Carlos Dehault Delassus, Lieutenant-Governor.

JOHN B. C. LUCAS,
CLEMENT B. PENROSE,
FREDERICK BATES.

*Office of the Recorder of Land Titles,*
St. Louis, 9th of March, 1853.

I certify that the above is a correct copy from the original certificate on file in this office.

ADOLPHE RENARD,
*U. S. Recorder of Land Titles in the State of Missouri.*

(*Protest of John Maguire to Recorder of Land Titles, against issuing patent certificate.*)

4. Protest of John Maguire to Recorder of Land Titles, against issuing patent certificate, dated ———, 1852.

To ADOLPHE RENARD, ESQ.,
*U. S. Recorder of Land Titles:*

Sir: I have been informed that an official survey has recently been made of 4 by 4 arpens of land under a concession of Joseph

Brazeau north of the Big Mound in the city of St. Louis, which survey I have also been informed locates said 4 by 4 arpens south of La Beaume's ditch; I have also been informed that said survey has been approved by the Surveyor-general of this District, and that you have been requested by some party or parties to issue a patent certificate in conformity with said survey. Now, I hereby protest against the issuing of a patent certificate upon the said survey, and protest against the location of said 4 by 4 arpens south of said L. La Beaume's ditch; I claim said 4 by 4 arpens as the legal representative of Joseph Brazeau, and lay before you the evidence of my being such legal representative, to wit: A copy of a deed made by said Brazeau to Pierre Chouteau.

No. 1. Copy of a deed from said Chouteau to George F. Strother: No. 2, and a copy of a deed from the administrator of said Strother to me: No. 3. I also inform you that suits in ejectment to recover the possession of the said 4 by 4 arpens, located as the same should be north of said La Beaume's ditch, have been instituted in the Circuit Court of the United States, in this District, and in the St. Louis Court of Common Pleas, which suits are now pending, and the trial of them will determine the proper and true location of said 4 by 4 arpens, confirmed by the United States to said Brazeau, and now claimed by me as his legal representative. I have to request that you communicate this paper, with the exhibits numbered from 1 to 3, inclusive, to the Commissioner of the General Land Office, and ask for his instructions in the premises.

Respectfully, JNO. MAGUIRE.

Received this notice January 22d, 1852.

ADOLPHE RENARD, *Recorder.*

(*Record of suit in ejectment in St. Louis Circuit Court in May, 1823, of Chouteau against Christy.*)

5. The record of a suit in ejectment instituted in the St. Louis Circuit Court, in May, 1823, instituted by Pre. Chouteau *vs.* William Christy, to recover the 4 by 4 arpens confirmed to Joseph Brazeau, and it is admitted by the defendant's counsel that the declaration in that suit describes the said 4 by 4 arpens confirmed to said Brazeau, as located and situated north of, and adjoining on the north of said La Beaume's south ditch, and that said Pre. Chouteau, the plaintiff in said ejectment and suit, claimed said 4 by 4 arpens sued for under Joseph Brazeau, and it is agreed that said ejectment suit at the trial which was in 182–, resulted in a nonsuit on the plaintiff's own motion. And it is further agreed that this statement of the record and proceedings in said suit, is to be considered as the substance of said record, and in lieu of a full and complete transcript thereof.

6. Three leases made by John Maguire to Primus Emerson, dated:

mony, to the satisfaction of the jury, the plaintiff has made out a *prima facie* title and right to recover in this action.

2. If the jury find from the evidence that the reservation lies to the north of the southern ditch, and includes the premises in controversy, in order that the defendant should successfully defend this action on the ground of adverse possession, it must appear to the satisfaction of the jury that the defendant, together with those under whom he claims, have had continuous uninterrupted possession of said premises, with claim of title, for twenty years prior to the commencement of this suit.

3. Possession of part of a tract of land with claim of title to the whole, may under certain circumstances amount to constructive possession of the whole. But in order that the actual possession should be thus extended by construction, the occupant must exercise acts of notorious ownership over the whole, or have a paper title thereto. But the Court refused to give to the jury the said last-mentioned instructions, and to the opinion of the Court in refusing to give said last mentioned instructions to the jury, the plaintiff by his counsel at the time excepted. The court on its own motion, declared the law of the case to the jury, as follows:—

(*Instruction given by the Court.*)

1. The jury is instructed that the survey of Soulard of Labeaume's concession is conclusive evidence in this instance, of a correct location of the concession to Labeaume of 1799.

2. That the confirmation by the Board of Commissioners of the claim of Labeaume was a confirmation according to Soulard's survey of the concession.

3. That the survey of Soulard does not purport to include the reservation to Brazeau, and the prima facie presumption is that it does not include said reservation.

4. The U. States survey and patent founded on it for the land confirmed to Louis Labeaume is evidence that the land embraced by the patent satisfies the confirmation, and is located at the proper place; and the survey and patent of the U. S. for the land confirmed to Joseph Brazeau is *prima facie* evidence that the land is surveyed at the proper place, and is the land confirmed; it being the duty of the United States to have the land surveyed according to the confirmation.

5. If Brazeau's reservation of four by four arpens includes the land sued for; and the concession to La Beaume of 1799 includes the same land, and therefore there is an overplus of sixteen arpens; then the act of limitations will protect those claiming under La Beaume, including the defendant, under the following circumstances; that is to say: If those claiming under La Beaume have had actual and adverse possession, holding under La Beaume's claim, of the land covered by both claims, for more than twenty years successively,

for any one time between the 17th December, 1818, and the commencement of this suit, so that the owner of the sixteen arpens could have sued the party in possession under La Beaume's claim, at all times during the twenty years, for such part of the sixteen arpens as the trespasser was in possession of, then the plaintiff cannot recover. The substance of the instructions is, if you find no interference between the patents, you must find for the defendant.

To the giving of which instructions to the jury, the plaintiff, by his counsel, at the time excepted. Thereupon the jury retired to consider of their verdict. The jury not being able to agree upon the verdict, and having so reported at several different times to the court; and after having the case under consideration for 48 hours and upwards, the jury by direction of the court came into court, and again reported that they had not agreed upon a verdict: Thereupon the court, on its own motion, read to the jury the following charge or instruction:—

*Charge.*

"Gentlemen of the jury—We have been engaged in this cause for the last fifteen days, endeavoring to ascertain the fact whether the tract of land confirmed to Louis La Beaume, according to Soulard survey of 1799, embraces the sixteen arpens confirmed to Joseph Brazeau. Brazeau got a concession for twenty arpens in front on the Mississippi by four arpens back, and sold the northern sixteen arpens front to La Beaume, reserving four by four or sixteen arpens, at the southern end of the tract granted by the concession. In 1799 La Beaume got his tract enlarged by an additional concession, including the sixteen arpens front purchased from Brazeau. This latter concession was surveyed by Soulard, the proper Spanish surveyor, in 1799, and the survey was recorded.

In 1810, the Board of Commissioners confirmed the grant to La Beaume, according to Soulard's survey. This being the effect of the confirmation—at the same time that the Board confirmed La Beaume's claim, including the 16 arpens front, the claim of Brazeau was also confirmed, and a survey in each case was ordered by the Board.

Recently the surveys of these tracts were made according to the precise and express instructions as to their boundaries, coming from the General Land Office at Washington, and pursuant to the order of the Secretary of the Interior, and on these surveys patents have issued; one to the legal representatives of La Beaume, and the other to the legal representatives of Brazeau; which tracts adjoin each other on the southern boundary of La Beaume's tract as described in the patent; and one question is whether the plaintiff to this suit can claim land elsewhere than that described in his patent; in other words, whether he can abandon the land surveyed for him and granted by patent, and go further north and recover land there which never had been surveyed in conformity to the concession. We

are of opinion that the U. S. reserved the power to locate by survey the land confirmed to Brazeau, and by such survey to separate it from the public lands, and from the lands claimed by others, and to issue a patent therefor, as was done in this instance; that this reserved power was vested in the executive department, whose acts in this instance bound Brazeau and those claiming under him; nor can they extend their claims and recover land beyond the boundaries described in the patent to Brazeau, or his legal representatives. The jury are further informed, that all instructions heretofore given inconsistent with the foregoing, are withdrawn from their consideration; this instruction having been given at the request of the jury, because they could not agree according to the instructions heretofore given to them by the court:" to the giving of which charge or instruction to the jury the plaintiff by his counsel at the time duly excepted.

The jury having retired, further to consider of their verdict, on the same day returned a verdict for the defendant, as follows:—

"We, the jury, in conformity with the instructions of the court, find for the defendant."

The plaintiff in proper time and in conformity with the rules and practice of this court, filed his motion and reasons for a new trial, as follows:—

(Copied immediately after judgment on page "9.")

The court overruled said motion and refused to grant a new trial. To the opinion of the court in overruling said motion and refusing to grant a new trial, the plaintiff by his counsel at the time excepted.

The plaintiff prays that this, his bill of exceptions, may be signed and sealed, and made a part of the record, which is accordingly done.

R. W. WELLS, [SEAL.]

The following is the Appeal Bond of said Record:

Circuit Court of the United States for the Eighth Circuit and Missouri District:

EDWARD M. WEST
vs. } In Error.
JOSEPH COCHRAN.

Know all men by these presents, that we, John Maguire and D. D. Page, are held and firmly bound unto the above named Joseph Cochran, in the sum of twelve hundred dollars, to be paid to the said Joseph Cochran, his executors or administrators: To the payment well and truly to be made, we bind ourselves and each of us jointly and severally, and our and each of our heirs, executors and administrators, firmly by these presents, sealed with our seals, and dated this 9th day of May, 1853. Whereas, the above named Edward M. West has prosecuted a writ of error to the Supreme Court of the

United States, to reverse the judgment rendered in the above entitled suit by the Circuit Court of the United States for the Missouri District: Now, therefore, the condition of this obligation is such that if the above named Edward M. West shall prosecute his said writ of error to effect, and answer all damages and costs, if he shall fail to make good his plea, then this obligation shall be void, otherwise the same shall be and remain in full force and virtue.

Sealed and delivered in the presence of

[SEAL.] JOHN MAGUIRE,
[SEAL.] DANL. D. PAGE.

I approve the foregoing bond.

R. W. WELLS,
*Dist. Judge U. S. for Missouri.*

MISSOURI DISTRICT, SCT:

I, Benjamin F. Hickman, Clerk of the Circuit Court of the United States for the Missouri District, do hereby certify that the foregoing one hundred and sixty-three pages (including this) contain a full, true, and complete transcript of the record and proceedings in the case of Edward M. West against Joseph Cochran, as the same appears on file in my office.

In testimony whereof, I hereunto subscribe my name, and affix the seal of said Court, at office in the city of St. Louis, this twenty-fifth day of November, 1853.

BEN. F. HICKMAN,
*Clerk.*